

MEETING

PLANNING AND ENVIRONMENT COMMITTEE

DATE AND TIME

TUESDAY 23RD OCTOBER, 2012

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice (Chairman),
Vice Chairman: Councillor Maureen Braun (Vice-Chairman)

Councillors

Anita Campbell	Mark Shooter	Andreas Tambourides
Jack Cohen	Agnes Slocombe	Jim Tierney
John Marshall	Stephen Sowerby	

Substitute Members

Alison Cornelius	Lord Palmer	Reuben Thompstone
Claire Farrier	Barry Rawlings	Darrel Yawitch
Sury Khatri	Alan Schneiderman	
Graham Old	Andrew Strongolou	

You are requested to attend the above meeting for which an agenda is attached.

Aysen Giritli – Head of Governance

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members' Personal and Prejudicial Interests	
4.	Public Question Time (if any)	
5.	Members' Items - (if any)	
5a.	Councillor Anita Campbell - Changes in Planning	1 - 4
6.	Reports of the Assistant Director of Planning and Development Management;	
7.	Barnet ERUV - B/03772/11	5 - 52
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15.	Stonegrove and Spur Road Estate, Edgware, HA8 8BT - H/02475/12	323 - 396
16.	Any item(s) that the Chairman decides are urgent	

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Meeting	Planning and Environment Committee
Date	23 October 2012
Subject	Member’s Item – Changes in Planning
Report of	Head of Governance
Summary	This report informs the Sub-Committee of a Member’s Item and requests instructions from the Sub-Committee

Officer Contributors	Maria Lugangira – Governance Service
Status (public or exempt)	Public
Wards Affected	All
Key Decision	Not applicable
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	None
Contact for Further Information:	Maria Lugangira – Governance Service. Tel 020 8359 2761

1. RECOMMENDATIONS

- 1.1 **The Committee's instructions are requested.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 As and when issues raised in this way are progressed they will need to be evaluated against the Corporate Plan and other relevant policies.

4. RISK MANAGEMENT ISSUES

- 4.1 None in the context of this report.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Members' Items allow Members of the Sub-Committee to bring a wide range of issues to the attention of the Sub-Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None in the context of this report.

7. LEGAL ISSUES

- 7.1 None in the context of this report.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution Part 3 – Responsibility for Functions – Area Environment Sub-Committees perform functions that are the responsibility of the Executive including highways use and regulation not the responsibility of the Council, within the boundaries of their areas in accordance with Council policy and within budget.
- 8.2 Council Procedure Rules Section 2 - Committees and Sub-Committees – Paragraph 7.1 states a Member will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or sub-committee on which he/she serves.
- 8.3 The Head of Governance must receive written notice of a Member's Item at least seven clear working days before the meeting. Any item received after 11p.m. will be recorded as received on the next working day. The item must be signed by the member and delivered by hand, fax or email. Under Council Procedure Rules, Section 2, paragraph 7.3 any item received after that deadline can only be accepted for consideration at the meeting if the Chairman agrees it as urgent.

9. BACKGROUND INFORMATION

- 9.1 Councillor Anita Campbell has requested that a Member's Item be considered as set out at 9.2.

9.2 The government has made a set of proposals and suggestions on planning as follows:

- Plans to strip individual local councils of responsibility for planning if they are deemed to be too slow to approve developments - a move that Conservative Chair of the Local Government Association described as "a blow to local democracy."
- Suggestions from the Chancellor, George Osborne, that the rules on building on the greenbelt should be relaxed (denied by Secretary of State for Communities and Local Government, Eric Pickles at Conservative Party Conference).
- Proposals to allow larger home and business extensions (almost double the size) without planning permission.

I believe these suggestions and proposals are an attack on local democracy and Localism, they will result in an attack on green and open spaces, and the greenbelt, they will set resident against resident (in the case of larger extensions), and they should be opposed at all costs.

Some local authorities have already stated their opposition to these proposals, including Richmond, who are seeking ways to defy any new legislation on allowing larger extensions without planning permission.

I ask for these issues to be debated by the Planning & Environment Committee with a view to the Committee passing a motion calling on Council to say what they are doing to oppose these measures, and, in particular, whether they will follow Richmond and other councils in defying the government on larger extensions without planning permission, including stating their opposition to the plans in the government's consultation.

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LOCATION: Barnet ERUV

REFERENCE: B/03772/11

Received: 08 September 2011

Accepted: 20 September 2011

WARD(S): High Barnet, Oakleigh,
Underhill

Expiry: 15 November 2011

Final Revisions:

AGENDA ITEM 7

APPLICANT: Trustees of The Barnet Synagogue

PROPOSAL: In connection with the creation of an Eruv* in Barnet, the construction of pole and wire gateways, or 1m high posts known as 'lechi' at the following locations:

- 1:** Adjoining Queen Elizabeth's Girls' School and London Underground Limited Land, Meadway, EN5. (2no. 6m high poles with connecting wire).
- 2:** Hurst Rise adjacent to 48 Norfolk Road, EN5 5LU and 50 Norfolk Road, EN5 5LT. (2no. 6m high poles with connecting wire).
- 3:** Tudor Road EN5, fronting Treva Cottage, Tudor Road, EN5 5NL and Shakespeare Court, Woodville Road, EN5 5NB. (2no. 6m high poles with connecting wire).
- 4:** Junction of Latimer Road and Hadley Road, EN5, fronting Electricity Sub Station to the rear of 1 The Crescent, EN5 5QQ and 143 Hadley Road EN5 5QN. (2no. 6m high poles with connecting wire)
Amended Plan Received.
- 5A:** Hadley Road, EN5. Between 113A and The Hadley Hotel, Hadley Road, EN5 5QN and adjacent to 102 Hadley Road, EN5 5QP. (2no. 6m high poles with connecting wire).
- 5B:** Tudor Road, EN5, fronting 2 Tudor Road, EN5 5PA, and adjacent to side boundary of 96 Hadley Road, EN5 5QR. (2no. 6m high poles with connecting wire).
- 6A:** Clifford Road, EN5. Fronting 1 Clifford Road, and between 2 and 4 Clifford Road, EN5 5PG. (2no. 6m high poles with connecting wire)
- 7:** Cromer Road, EN5. Fronting Cromer Road Primary School, EN5 5HT and adjacent to the side boundary of 24 Shaftesbury Avenue, EN5 5JA. (2no. 6m high poles with connecting wire).
- 8:** Shaftesbury Avenue, EN5. Fronting 10 Shaftesbury Avenue and between 11 and 13 Shaftesbury Avenue, EN5 5JA. (2no. 6m high poles with connecting wire).
- 9:** Between Ocean House and Bevatone House on footpath track adjacent to railway line, East Barnet Road, EN4 8RR. (2no. 3m high poles with connecting wire).
- 10:** East Barnet Road, EN4, under the railway bridge. (2no. 1m high Lechis).

- 11: Longmore Avenue, under railway bridge. (6no. 1m high Lechis)
0: Barnet Hill, (A1000), EN5, under London underground bridge. (2no. 1m high Lechis)

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Barnet Eruv Locations; Arboricultural Implications Assessment Tree Protection Plan to Support the Planning Application for High Barnet Inspected and Prepared by Luke Fay Arboricultural Consultant dated May 2011 (Rev 1- April 2012); E-mail from Nina Jones Dalton Warner Davis LLP dated 15.11.11 Detailing Use of Translucent Fishing Wire Proposed, 0.5mm Diameter; Barnet Eruv General Location Plan; Map of Extent of Area Included in the Barnet Eruv; Barnet Eruv Meadway Site 1; Site 1- Meadway Photo with Poles Superimposed; Barnet Eruv Site 2 Norfolk Road and Hurst Rise; Site 2 Norfolk Road and Hurst Rise Photo with Poles Superimposed; Barnet Eruv Site 3 Tudor Road; Site 3- Tudor Road Photo with Poles Superimposed; Barnet Eruv Site 4- Rev 1 Hadley Road Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 15.11.11; Site 4 Hadley Road Photos with Poles Superimposed Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 15.11.11; Barnet Eruv Site 5A Hadley Road/ Tudor Road; Site 5A Hadley Road/ Tudor Road Photo with Poles Superimposed; Barnet Eruv Site 5B rev A Tudor Road/ Clifford Road Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 11.4.12; Site 5B- Tudor Road/ Clifford Road- Rev A Photo with Poles Superimposed Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 11.4.12; Barnet Eruv Site 6A Clifford Road; Site 6A Clifford Road Photo with Poles Superimposed; Barnet Eruv Site 7 Cromer Road; Site 7 Cromer Road Photo with Poles Superimposed; Barnet Eruv Site 8 Shaftesbury Avenue; Site 8 Shaftesbury Avenue Photo with Poles Superimposed; Barnet Eruv Site 9 East Barnet Road; Site 9 East Barnet Road Photo with Poles Superimposed; Barnet Eruv Site 10 East Barnet Road; Site 10 East Barnet Road Railway Bridge Photo with Lechis Superimposed; Barnet Eruv Site 11 Longmore Avenue Railway Bridge; Site 11 Longmore Avenue Railway Bridge Photo with Lechis Superimposed; Barnet Eruv Site 0 Barnet Hill; Site 0 Barnet Hill Photo with Lechis Superimposed.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

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

3. The poles hereby approved at site 4 rear of 1 The Crescent, site 5A adjoining 102 Hadley Road, site 5B fronting 2 Tudor Road and adjacent to side boundary of 96 Hadley Road, and site 7 adjacent to 24 Shaftesbury Avenue,

shall be treated upon installation with anti climb paint 2m above adjoining ground level. The anti climb paint shall be retained and maintained thereafter.

Reason:

In the interest of maintaining the security of the adjacent residential properties.

4. The development hereby permitted shall not begin until details of the external colour of the poles have been submitted to and approved by the Local Planning Authority.

Reason:

To safeguard the appearance of the locations.

5. The poles hereby approved shall be sited as far back from the road as possible towards the rear of the footway.

Reason:

To ensure that the poles do not obstruct or restrict the access or flow of pedestrians.

6. No site works in connection with the development hereby approved shall commence until a Detailed Arboricultural Method Statement, in accordance with the recommendations of the Arboricultural Implications Assessment Tree Protection Plan dated May 2011 (Rev 1 - April 2012), has been submitted to, and approved in writing, to the Local Planning Authority. All tree works shall be carried out in full accordance with the approved specification and the BS3998: 2010 Recommendation for Tree Works (or as amended).

Reason:

To protect the character and appearance of the area and safeguard the health of existing trees which represent an important amenity feature.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:

The Mayor's London Plan: July 2011

Policy 3.1 Ensuring Equal Life Chances for All

Policy 3.16 Protection and Enhancement of Social Infrastructure

Policy 6.10 Walking

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.4 Local Character

Policy 7.5 Public Realm
Policy 7.8 Heritage Assets and Archaeology
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodlands

Adopted Barnet Unitary Development Plan (2006):

GBEEnv1 Character
GBEEnv2 Design
GBEEnv3 Safe Environment
GBEEnv4 Special Area
D2 Character
D5 Outlook
D9 Designing Out Crime
D12 Tree Preservation Orders
D13 Tree Protection and Enhancement
HC1 Conservation Areas- Preserving or Enhancing
HC5 Areas of Special Character
M11 Safety of Road Users
CS1 Community and Religious Facilities

Core Strategy (Submission version) 2011:

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
CS10 Enabling Inclusive and integrated Community Facilities and Uses
CS12 Making Barnet a Safer Place

Development Management Policies (Submission version)2011:

DM01 Protecting Barnet's Character and Amenity
DM03 Accessibility and Inclusive Design
DM06 Heritage and Conservation
DM16 Biodiversity
DM17 Travel Impact and Parking Standards

ii) The proposal is acceptable for the following reason(s): -

It is considered that the proposed 'gateways', by virtue of their siting and design, would not represent unduly intrusive additions in the street scene and would not result in an over proliferation of street furniture within the various townscapes. The development proposed at the location adjoining the Conservation Area would have a neutral impact on its character and appearance.

A summary of the development plan policies relevant to this decision is set out in Tables 1 & 2 below.

Table 1: London Plan (July 2011) Policies

<u>Policy</u>	<u>Key Requirements</u>
3.1 Ensuring Equal Life Chances for All	Proposals should protect and enhance facilities and services that meet the needs of particular groups and services. Loss of such facilities without justification or replacement should be resisted.
3.16 Protection and Enhancement of Social Infrastructure	Proposals that provide high quality social infrastructure will be supported in light of local and strategic needs assessments. Proposals that result in loss of social infrastructure in areas of defined need without re-provision should be resisted. Facilities should be accessible to all members of the community and be located within easy reach by walking, cycling and public transport. Multiple use of premises encouraged where possible.
6.10 Walking	Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2 An Inclusive Environment	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.
7.4 Local Character; 7.5 Public Realm;	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
7.8 Heritage Assets and Archaeology	Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. New development should make provision for the protection of archaeological resources, landscapes and significant memorials.
7.19 Biodiversity and Access to Nature	Proposals should: <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife

	<p>sites.</p> <ul style="list-style-type: none"> - Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan. - When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest the following hierarchy will apply, avoid adverse impact; minimise impact and seek mitigation; in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.
7.21 Trees and Woodlands	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.

Table 2: Barnet UDP (May 2006) Saved Policies

<u>Policy</u>	<u>Key Requirements</u>
GBCEnv1 Character; GBCEnv2 Design; GBCEnv3 Safe Environment	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment.
GBCEnv4 Special Area	Protect buildings, areas, open spaces and features of special value.
D2 Character	Protect or enhance local character and respect the overall character and quality of the area.
D5 Outlook	Adequate sunlight, daylight, privacy and outlook for adjoining and potential occupiers and users.
D9 Designing Out Crime;	Development designed to reduce crime and fear of crime.
D12 Tree Preservation Orders; D13 Tree Protection and Enhancement	<p>Trees –</p> <ul style="list-style-type: none"> • Make Tree Preservation Orders if appropriate • Retain and protect as many trees as practicable • Ensure appropriate new planting
HC1 Conservation Areas – Preserving or Enhancing	Development must preserve or enhance the character and appearance of conservation areas.
HC5 Areas of Special Character	Development which fails to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character will be refused.
M11 Safety of Road Users	The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.
CS1 Community and Religious Facilities	Community facilities should be appropriately located, not have demonstrably harmful impacts on character and amenity, be designed to be accessible by people with disabilities.

2. The applicant is advised that any structures to be sited within or project over adopted highway will require licences under the Highways Act in addition to

planning permission. The exact location and details of these structures will be agreed as part of the licensing process.

Please note that Licenses under the Highways Act will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner.

3. Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
4. Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
5. In accordance with the general guidance given in the Traffic Signs Regulations and General directions 2002, the applicant should ensure that structures located at the front of the kerb, on a verge or a footway should be a minimum of 0.45m away from the kerbline on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
6. The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.
7. Any ongoing maintenance works to trees in the Conservation Area and/ or protected by a Tree Preservation Order, will require notification/ application in accordance with Tree Preservation Legislation.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF) dated 27/3/12

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document has replaced all PPGs and PPSs and condenses national guidance into a 50 page document as part of the reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The key theme of the new guidance is that Local Planning Authorities should approach applications with a presumption in favour of sustainable development.

The 3 identified dimensions to sustainable development are: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including a social role. This is defined as: 'supporting strong, vibrant and healthy communities ...with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

One of the 12 identified core land use planning principles that should underpin both plan making and decision taking, states that planning should 'take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

The NPPF identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions should aim to achieve places which promote (inter alia) 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'. Planning policies and decisions should 'plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

The Mayor's London Plan: July 2011

The replacement London Plan was published in July 2011 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan provides strategic planning policy for all London Boroughs for the period up to 2031. The following policies in the London Plan are relevant to this application:

Policy 3.1 Ensuring Equal Life Chances for All
Policy 3.16 Protection and Enhancement of Social Infrastructure
Policy 6.10 Walking
Policy 7.1 Building London's Neighbourhoods and Communities
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.8 Heritage Assets and Archaeology
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodlands

Relevant Unitary Development Plan Policies:

GBEnv1 Character
GBEnv2 Design
GBEnv3 Safe Environments
GBEnv4 Special Area
D2 Character
D5 Outlook
D9 Designing Out Crime
D12 Tree Preservation Orders
D13 Tree Protection and Enhancement
HC1 Conservation Areas- Preserving or Enhancing
M11 Safety of Road Users
CS1 Community and Religious Facilities

Core Strategy (Adopted) 2012

Development Management Policies (Adopted) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the Unitary Development Plan (UDP) remain. The Core Strategy and Development Management Policies DPD will replace these 183 policies.

THE Core Strategy was adopted by the Council on 11 September 2012. It is now subject to 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

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

CS10 Enabling Inclusive and integrated Community Facilities and Uses

CS12 Making Barnet a Safer Place

The Development Management Policies document provides the boroughwide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies were adopted by the Council on 11 September 2012. It is now subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216 sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM16 Biodiversity

DM17 Travel Impact and Parking Standards

Relevant Planning History:

H/01834/10: Mill Hill Eruv, 19 Sites in the Mill Hill Area. Approved 6.7.10

H/00921/09: 9 sites around the Edgware Area to Complete the Stanmore/ Canons Park Eruv. Approved 25.6.09

W13797: Edgware Area Eruv. Approved 24.11.04

Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv) planning history

Eruv1

Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Refused 24/02/1993.

Eruv2

Installation of street furniture (comprising groups of poles connected by thin high level wire) to complete the identification of the perimeter of a defined Eruv. Refused 27/10/1993.

An appeal against the refusal of planning permission Eruv1 and Eruv2 was heard at a Public Inquiry in December 1993. On 20 September 1994 the Secretary of State for the Environment allowed the appeal and granted planning permission subject to conditions.

Eruv 3 and 4

Erection of street furniture comprising groups of poles (usually 2) between which is suspended at high level a wire to designate the perimeter of a nominated Eruv. Approved 08/01/1997 and 7/7/1998.

Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community.

Two rounds of consultations have been undertaken, the first round comprised the standard planning consultation letter and some 125 replies were received.

A further round of consultation was then undertaken which specifically drew attention to the potential qualities impacts of the application and the provisions of the Equality Act 2010. As part of this consultative process consultees were requested to complete a questionnaire to provide information in respect of protected characteristics as defined in the Equality Act 2010 so that these factors could be taken into consideration when the LPA is determining the application.

This section of the report summarises the responses to both rounds of consultation.

First Consultation Round

Neighbours Consulted: 1418

Replies: 97

Neighbours Wishing To Speak: 11

92 letters of objection have been received. The objections may be summarised as follows (the number in brackets represents the number of occasions that particular comment was raised):

(1) The objection letters contained some 335 comments which suggested that overall from reading the objection letters and consultation responses it is clear there is a widely held and strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to

settle in the area encompassed by the Eruv. Consultees expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (93)
2. The potential imposition of religious symbols/designation on members of other faith groups and secular persons. (71)
3. Ecological concerns particularly about trees and bats. (9)
4. The visual impact on the street scene from having more street furniture (142) of which (7) were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles. (4)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion (16)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (5)
- The potential cost to the Council (3)
- Eruvim already exist elsewhere in the borough and neighbouring authorities (6)
- The extent of the consultation was inadequate (7)
- The Eruv is unnecessary and will only benefit a small minority (73)

As a result of the public consultation process 2 letters in support of the application were received.

The comments received in support of the application may be summarised as follows:- (the number of brackets represents the number of occasions that particular comment was raised).

- We support the Eruv (2)
- A great help to many young families and the disabled within the Orthodox Jewish community who, without the existence of the Eruv, would be housebound over the Sabbath. These include wheelchair users and mothers with small children (1)
- Live in Golders Green where we have an Eruv and it has changed the lives of my daughters (1)

- There has been no bother in the area and no one has said they have noticed it outside the community (1)

Internal /Other Consultations:

- Traffic & Development - raise no objections subject to informatives
- London Underground - Infrastructure Protection -
- UK Power Networks- Poles at site 4 would be located directly outside sub station. Consideration needs to be given to relocating the proposed site.
- EDF Energy Network - No reply received
- North London Strategic Alliance (NLSA) - No reply received
- Railtrack Property - No reply received
- Network Rail - No observations to make
- Railtrack PLC - No reply received
- Network Rail -Infrastructure Protection - No reply received
- Metropolitan Police Service (H) - No reply received
- Street Lighting - No reply received
- Federation of Residents Associations in Barnet - No reply received
- Barnet Residents Association - Particularly concerned about the impact on the Hadley Conservation Area which should be kept as free as possible from street clutter. Boundary seems arbitrary and illogical. Height of poles seems excessive.
- Hadley Residents' Association - No reply received
- East Barnet Parish Res.Assoc. - No reply received
- Oakleigh Pk Res Assoc - No reply received
- Monkey Hadley and Wood Street CCAC – Trying to de-clutter the area, not add to it. Why is the Eruv needed now and not many years ago? Believe that the Eruv will create anti-Semitic feeling in the area.
- Access in Barnet – No objection in principle but it needs to be ensured that poles do not narrow any pathway.
- The Council of Christians and Jews-see the allowing of Eruvim as part of the wider community's embrace and engagement with minority groups. The Eruv allows members of the Jewish community with poor mobility, for e.g. mothers with babies, people with disabilities and the elderly, greater access and mobility to attend their place of worship on the Sabbath.
- The Board of Deputies of British Jews [THE BOD] - has written in support of the application. It highlights the benefits of the Eruv to the Jewish Community and notes that concerns about the impact on the character and appearance of an area as well as the diversity of an area encompassed by an Eruv have not materialised in the existing Eruvim within the Borough, no concerns have been raised in meetings with other faith groups, the Eruv equipment is not identifiable as Jewish symbols, the best case for the Eruv is the successful operation of similar schemes elsewhere (a fuller summary is included as an appendix).

The Second Round of Consultation (on equalities impacts)

The results of the second round of consultation in which neighbouring residents were reconsulted can be summarised as follows:

In response to the questionnaire, of the 96 questionnaires returned 49 objected to the proposed, 42 were in support and 5 made no comments.

In addition to the questionnaires a further 12 letters of objection were received and these comments are also included in the following summary:-

(1) The objection letters contained some 180 comments which reinforced some of the objections in the first round of consultation, that there is a widely held and strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv. Once again objections expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (26)
2. The potential imposition of religious symbols/designation on non-believers. (50)
3. Ecological concerns particularly about trees, bats and birds. (3)
4. The visual impact on the street scene from having more street furniture (62) of which 2 were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles etc. (3)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion. (36)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (5)
- The potential cost to the Council (9)
- Concerns about consultation (16)
- The proposed Eruv is unnecessary and will only benefit a small proportion of the population (28)
- Eruvim already exist elsewhere in the borough and neighbouring authorities (1)
- Property damage and adverse impact on property values (5)
- Adverse impact on residential amenity (2)

- Will cause difficulty in accessing garage (1)

The comments in support of the application may be summarised as follows:

- It will not physically alter the character or appearance of the area (1)
- It will not cause any problems (2)
- 27% of UK Jews live in Barnet with possibly 18% of borough population in the locality is Jewish based on census predictions. Not to allow the Eruv would be discriminatory as it would prevent a significant number of young, elderly and disabled people enjoying religious freedom. (7)

Date of Site Notice: 29 September 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The proposed Eruv boundary would include much of New Barnet. The western boundary of the Eruv would be the Northern Line High Barnet branch, whilst the eastern boundary uses the overland railway line at New Barnet. The southern boundary will use the northern boundary of the proposed Woodside Park Eruv also on this agenda.

Proposal:

An Eruv is a continuous boundary designated in accordance with Jewish Law. Whilst Jewish Law prohibits Orthodox Jews from carrying on the Sabbath, carrying is permitted within the defined boundary of an Eruv, as is the use of pushchairs, wheelchairs etc.

The Eruv boundary is formed by utilizing continuous local features such as fences or walls alongside roads, railways or terraced buildings. However, where this continuity is not possible due to breaks in the boundary, e.g. roads, then this breach must be integrated by the erection of a notional 'gateway'. Such a gateway consists of posts or poles linked on top by a wire or cross bar crossing the highway.

Two established Eruvs in the borough currently exist: The Edgware Eruv and the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv).

At all sites, common with the established Eruvs in the borough, it is intended that the poles will be erected flush (within 20cm) with wall or fence boundaries. The posts, which would have a dimension of 76mm, would be painted in a colour that best blends with the surroundings. 6m tall poles and wire gateways would be installed at 9 sites and a 3m tall poles and wire gateway would be installed at 1 site. In total, 18, 6m high poles and 2, 3m poles are proposed. The connecting wire would be translucent and 0.5mm in diameter.

Where available an existing structure, e.g bridges, over the roadway can be used in order to close a gap in the boundary. In these instances a small pole (1m in height) would act as a small symbolic doorpost attached to the side of the bridge or other

structure. The lechi would be screwed or otherwise attached to the vertical surface. Lechis are proposed at 3 locations.

Highways Licence

The erection of the 'gateways' on the highway would require a licence under the Highways Act. It would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted.

The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security, technical specification (including colour of poles and type of wire) etc.

The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

3. PLANNING CONSIDERATIONS

The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.

Policy support for the principle of the proposal is found at UDP policies GCS1 and CS1 which seek to promote the provision of community and religious facilities to meet the needs of the borough's residents. Policy CS10 of the Adopted Core Strategy seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. Policy DM13 in respect of community uses seeks to ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties. Depending on the location of the proposed Eruv equipment different policies will apply. The policies in respect of Character, Design, Road Safety will apply almost universally, more specific policies such as those relating to conservation areas will depend on the precise location of the equipment.

Each of the proposed locations is dealt with individually below.

Site 1: Adjoining Queen Elizabeth's Girls' School and London Underground Limited Land, Meadway, EN5

The 6m pole to the north side of the Meadway would be sited outside QE Girls' School, approx 5m's from the entrance to the multi storey car park, fronting the bin store enclosed by a close boarded fence. The pole would not obstruct the required access to the store or the adjoining yard.

The 6m pole to the south side of the Meadway would front London Underground Limited (LUL) operational land. The adjoining trees, within LUL's property, are protected by a group TPO. The pole would be outside of the root protection area and canopy spread of the trees and no works to trees are required to facilitate the installation.

Whilst visible, the poles would be no more obtrusive than the existing lamp posts or street signage in the Meadway. It is considered that the introduction of 2 additional poles into this location, close to a traffic light controlled junction, would not detract from the street scene.

Site 2: Hurst Rise adjacent to 48 Norfolk Road, EN5 5LU and 50 Norfolk Road, EN5 5LT

Two 6m high poles with connecting wire are proposed to the east and west side of Hurst Rise close to the junction with Norfolk Road

The pole to the west side, adjacent to No. 50 Norfolk Road, would be at least 1m clear of the existing lamp post. The view towards Hurst Rise from the facing flank windows of the ground floor side extension to no 50 is largely obscured by the existing shed. The introduction of a pole, 4m's from the facing flank, would not detract unduly from the outlook and visual amenities currently enjoyed by the occupiers of no 50.

The pole to the east side would be adjacent to the flank boundary wall of the side garage to No. 48 Norfolk Road. There are no facing flank windows on no. 48. The pole would be sited north of the existing street sign.

Whilst the poles may be visible from the flank windows of no 50 Norfolk Rd, in light of existing lamp posts and other street furniture in the immediate locale, this does not amount to a compelling planning objection. Furthermore, it is considered that the poles and wire would not adversely effect the suburban street scene.

Site Specific Comments Received

9 replies received:

- Location is within 20m of my front door
- Object to the establishment of the Barnet Eruv as I would object to any display of ethnic, religious or political symbolism on my street corner
- Poles would be unsightly, extremely tall and higher than a 2 storey house
- One side of the road is significantly lower than the other which means the poles will be even higher to the south side
- Spoil the view from Hurst Rise over the valley
- Not a Jewish area but has a mix of religious faiths and development is not a necessity for neighbourhood
- Not keen on the crossing at Hurst Rise as frequently see high vehicles come down this short steep hill
- Possibly lead to a reduction in property values
- Wish to continue living in a non denominational road and community

- Proposal to use the frontage of my home has caused undue distress and the introduction of an Eruv will escalate the distress
- Pole will be directly in front of my lounge and 2 front bedroom windows
- Already have misfortune to look out at one directional post, 5 lampposts, 4 telegraph poles with overhead wires plus road marking. Street furniture and road markings have increased four fold in 29 years of residence. Money would be better employed putting telegraph wires underground and removing duplicated street lighting and unnecessary signage

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The poles do not display any religious symbols
- The poles would be viewed in the context of the neighbouring houses and would not exceed their height
- The introduction of 2 poles, with a diameter of 76mm sited at the back edge of pavement would be unlikely to detract from views across the valley
- If in the unlikely event that a vehicle exceeding 6m's were to pass beneath the wire it would break

Site 3: Tudor Road EN5, fronting Treva Cottage, Tudor Road, EN5 5NL and Shakespeare Court, Woodville Road, EN5 5NB

Two 6m high poles with connecting wire are proposed to the north and south side of Tudor Road approx 35m from the junction with Woodville Road.

The pole to north side would be sited between Treva Cottage and 10a Tudor Road, 1m clear of the crossover to no. 10a whilst ensuring that it would not be located directly in front of facing windows to either property. The pole would be within the root protection area to the hedge fronting Treva Cottage. The Arboricultural Implications Assessment notes suspected previous ground disturbance in this location, and concludes there is a low likelihood of significant roots presence. The Assessment concludes that no arboricultural works are required.

The pole to the south side would be located at the mid-point of the brick built refuse enclosure to Shakespeare Court (fronting Woodville Road). Access to the refuse store would be unaffected whilst a distance of over 1m to both adjoining dropped kerbs would be maintained.

The poles would be viewed in the context of existing lamp posts, a telegraph pole and street trees. The introduction of 2 poles and wire would not harm the character and appearance of the street scene, nor the amenities of nearby residents.

Site Specific Comments Received

1 reply received:

- Concerned that the works might disrupt the substantial underpinning work done to the front of my house and driveway due to the roots of a large Ash tree. The tree, which was removed in 1996, was sited in approx the same area where the Eruv pole is proposed.
- Pole will be visible from all front windows to house and will be unsightly

- Not a significant number of religious Jews living in the immediate area to warrant the erection of this structure

Comments on Grounds of objection

- The base support underground for the pole will, depending on location, consist of a 500mm diameter concrete core with a 900mm diameter excavation pit. The pit will be back filled with spoil and resurfaced to match existing. The works required, sited 1m from the boundary with 10A Tudor Road (the dwelling house is sited over 7m from the back edge of pavement) are very unlikely to disrupt underpinning works or cause property damage.

Site 4: Junction of Latimer Road and Hadley Road, EN5, fronting Electricity Sub Station to the rear of 1 The Crescent, EN5 5QQ and 143 Hadley Road EN5 5QN

Two 6m high poles with connecting wire, are proposed to the north and south side of Latimer Road, close to the junction with Hadley Road. The north side pole was originally proposed to be sited directly outside the sub station. Due to the siting of low and high voltage cables and a link box in the pavement on the south side of the road, amended plans have been submitted. The north pole as amended would be sited at the corner of the sub station whilst the south pole would be sited 1m in from the corner of 143 Hadley Road, on the 'chamfered' boundary of the property fronting the side detached garage.

This site adjoins but does not fall within the Monken Hadley Conservation Area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid, in the exercise of planning functions, to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It has been held that preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves the character and appearance unharmed.

It is acknowledged that the introduction of 2 poles, with the required wire span, would bring minor visual changes adjoining the Conservation Area. Whilst the poles would not positively preserve or enhance the area, it is considered that the poles would not have a material effect on the character and appearance of the area.

The pole adjoining the sub station would be sited over 25m from the rear facing windows to 1 and 2 The Crescent. The pole to the south would be visible from the side facing panes of the bay windows to no 143 Hadley Road sited approx 8m away. It is considered that the outlook and visual amenities of the occupiers of the neighbouring properties would not be compromised by the development proposed.

To ensure that the installation of the pole to the rear of 1 Crescent Road would not give rise to a risk of reduction in security to residents, the pole will be treated using anti-climb paint above 2m in height.

The Arboricultural Implications Report recommends the pruning back of branches up to 6.5m height (max) on a lime tree, approx 17m high, in the rear garden of 1 The

Crescent, to facilitate the installation of the pole and wire and to prevent future conflict as far as possible with the wire. The branches to be pruned will not exceed 5cm diameter. In addition branches will not be cut back beyond the boundary, unless permission is received from the tree owner. Whilst there is a likelihood of some encroachment within the Root Protection Area (RPA), the risk of significant damage can be minimised by the use of appropriate techniques which should be detailed in the required Detailed Arboricultural Method Statement.

Site Specific Comments Received

1 reply received

- Could the poles be positioned elsewhere rather than outside the electricity sub station where the posts would be in the middle of the view from my south facing windows, but 6m to the west where they would not be seen from my or other windows in the vicinity owing to the presence of trees?

Comments on Grounds of objection Not Addressed in the Appraisal Above

The pole would be sited over 25m's from the rear facing windows to 1 and 2 The Crescent which are sited on an elevated position, further reducing the visual impact. Further the canopy of the trees in the rear garden of no 1 The Crescent would provide a degree of screening, particularly when in leaf.

Site 5A: Hadley Road, EN5. Between 113A and The Hadley Hotel, Hadley Road, EN5 5QN and adjacent to 102 Hadley Road, EN5 5QP

The 6m pole to the west side of Hadley Rd would be sited on the boundary between the Hadley Hotel and 113A Hadley Road fronting a party wall. The adjoining outdoor seating area to the Hadley Hotel is enclosed by chain linked bollards. A lamp post is sited on the back edge of pavement at the mid point of the facing front elevation to no 113A.

The pole to the east side would front the close boarded fence enclosing the garden to 102 Hadley Road. The pole would be sited approx 6m's from the house.

It is considered that the poles could be accommodated in the locations proposed without undue impact on the visual amenities of the neighbouring occupiers or the character and appearance of the street scene. Whilst the location is not devoid of street furniture, the slim line poles, with translucent wire, would not result in undue clutter or over proliferation of street furniture.

To ensure that the installation of the pole adjacent to 102 Hadley Road would not give rise to a risk of reduction in the security of the householders, the pole will be treated using anti-climb paint above 2m in height.

Site 5B: Tudor Road, EN5, fronting 2 Tudor Road, EN5 5PA, and adjacent to side boundary of 96 Hadley Road, EN5 5QR

The proposed pole fronting the garden to 2 Tudor Rd would be sited approx 17m's from the dwelling itself. The pole would not obstruct access to the garage but would be sited at the back edge of pavement adjoining the close boarded fence. The pole

adjacent to the side boundary 96 Hadley Road would be sited approx 4m from the nearby lamp post. No works to trees would be required.

The poles would be conspicuous in this street scene, particularly on the north side of the road where there are no lamp posts (there are 3 lamp posts on the south side). It is considered, however, that they would not cause demonstrable harm to either its appearance or character and, by virtue of their siting at the back edge of pavement, would not intrude on the open aspect towards Tudor Park. The poles would not harm the amenity of residents living close by.

To ensure that the installation of the poles would not give rise to a risk of reduction in security to the neighbouring properties, the poles will be treated using anti-climb paint above 2m in height.

Site Specific Comments Received

1 reply received

- Planning application is poorly drafted and confusing
- Uncertain whether my house would be inside or outside the Eruv which might affect its value
- The Eruv pole could add to the difficulty I have backing my car out of my garage
- Overall the northern boundaries of the Eruv do not make sense. If an alternative set of boundaries were acceptable it might significantly reduce the 'gateways' required.

Site 6A: Clifford Road, EN5. Fronting 1 Clifford Road, and between 2 and 4 Clifford Road, EN5 5PG

The pole fronting 1 Clifford Road would front a garden shed sited approx 6m's from the dwelling. The pole diagonally opposite would be sited on the boundary between 2 and 4 Clifford Road. The pair of inter war semi detached houses are sited over 10m's from the highway.

Located close to the junction with Potters Road, there is a variety of street signage as well as lamp posts in the close vicinity. The pole positions, whilst visible from the neighbouring houses would not cause demonstrable harm to the visual amenities or outlook of the neighbouring residents.

Site 7: Cromer Road, EN5. Fronting Cromer Road Primary School, EN5 5HT and adjacent to the side boundary of 24 Shaftesbury Avenue, EN5 5JA

This location, close to the junction with Shaftesbury Ave, is busy in appearance, including safety railings, zig-zag markings, a traffic island with bollards, lighting columns and signage.

Fronting the school, the pole would be sited fronting the north eastern corner of the main school building, avoiding facing windows, approx 1.5m from a street lighting column.

Adjacent to the boundary with 24 Shaftesbury Avenue the pole would be sited adjacent to the rear corner boundary of the house with Cromer Road. To address

possible security concerns it is recommended that a condition be attached requiring that the pole be treated with anti climb paint above 2m in height. There is a mix of shrubs and small trees within the boundary of no. 24 which protrude above the fence line. The Arboricultural Implications Assessment confirms no works would be required to the trees and shrubs to facilitate the development. The pole would not intrude on the direct sight line from the dwelling's 1st floor flank windows and it is considered that the pole could be accommodated without undue detriment to the residents of no. 24.

The street scene would not be harmed by the introduction of the poles.

Site Specific Comments Received

2 replies received:

- Do not want the pole right up to our fence as it can then be climbed to look into or gain access to our property
- Have already experienced intruders and others trying to climb the fence
- Make us feel vulnerable and insecure
- Security is a major issue especially since the Council's recent removal of the street lamp
- Would also make maintenance of fence difficult
- In the current economic climate why not save money and use the existing lamp posts?
- Would like assurance that wire will not generate wind noise that will disturb our sleep
- The frontage of Cromer Road school will be spoiled by the inclusion of any structure at the front of this historic and characterful building

Comments on Grounds of objection

To address possible security concerns it is recommended that a condition be attached requiring that the pole proposed adjacent to the boundary with 24 Shaftesbury Avenue be treated with anti climb paint above 2m in height.

Site 8: Shaftesbury Avenue, EN5. Fronting 10 Shaftesbury Avenue and between 11 and 13 Shaftesbury Avenue, EN5 5JA

The pole to the east side would be located directly on the boundary between nos. 11 and 13 to ensure that the pole is not sited directly in front of facing windows.

On the west side of Shaftesbury Ave the pole would be sited 1m from the boundary between no. 8 and 10, to align with the flank building line of no. 10. The pole would not impede pedestrian access to the house nor would it be sited directly in front of facing windows.

The introduction of 2 poles and wire would not harm the street scene. Whilst the poles would be visible from the adjoining properties this is not considered to harm neighbouring residents' visual amenity or living conditions and no objection is raised in this regard.

Site Specific Comments Received

1 reply received:

- Object to this application and do not wish to have an Eruv erected outside our home
- Detrimental to the local area and may attract vandalism
- An additional obstruction on the public highway when local government authorities are trying to reduce street clutter

Comments on Grounds of objection

- It cannot be assumed that a new piece of street furniture would result in it being vandalised or graffiti.
- The pole would be sited at the back edge of pavement, as per street lighting columns, and would not cause an obstruction.

Site 9: Between Ocean House and Bevatone House on footpath track adjacent to railway line, East Barnet Road, EN4 8RR

A gateway is required to the track located between Lytton Road and the railway line.

The poles and wire would be sited at the East Barnet Road end of the track, between the newly constructed office block and flats. The poles siting would be sensitive to the location of facing windows.

The track has no identified classification and may be network rail land. The track is only suitable for pedestrians so a maximum height of 3m is proposed.

The appearance of the footpath track, the enjoyment of users and the visual amenities of neighbouring occupiers would not be compromised by the size and siting of the poles.

Site 10: East Barnet Road, EN4, under the railway bridge

Two Lechi posts, 1m in height, are proposed approx mid way under the East Barnet Road railway bridge. The posts, with a depth and height of mm, would be fixed directly to the bridge arch with no excavation required.

By reason of their size and siting, the posts would be minor incidental additions to the street scene and would not cause harm to the character of the road or the free passage of pedestrians.

Site 11: Longmore Avenue, under railway bridge

The bridge over Longmore Avenue has 2 pedestrian and one vehicular arches. The vehicular arch has no pavement and the lechis to either side of this arch would be 35mm wide and 7mm deep. The 4 lechis to either side of the 2 pedestrian paths would be 1m high with a depth and height of 5mm.

By reason of their size and siting, the posts would be minor incidental additions to the street scene and would not cause harm to the character of the road or the free passage of vehicles and pedestrians.

Site 0: Barnet Hill, (A1000), EN5, under London underground bridge

Two Lechi posts, 1m in height, are proposed approx mid way under the London Underground bridge at Barnet Hill. The posts, with a depth and height of 5mm, would be fixed directly to the bridge arch with no excavation required.

These minor additions would not have a perceptible impact in this location and would be acceptable in the street scene. The narrow pavement on the north side of the road is not sufficiently wide to accommodate pedestrians. The pedestrian pavement to the south side is generous in width and would allow for the installation of the post without impediment to pedestrians.

Nature Conservation

A general comment has been raised in respect of the potential concern about the possible effect the equipment could have on bats.

All species of bat are fully protected under “The Conservation of Habitats and Species Regulations” 2010. They are also protected under the Wildlife and Countryside Act 1981 (as amended).

Article 12 of the Habitats Direction contains a range of prohibition seeking to protect bats and other European Protected Species. These prohibitions include deliberate capture or killing, deliberate disturbance which includes disturbance like to

- (a) impair their ability to
 - (i) survive, breed, reproduce or rear or nurture their young; or
 - (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or
- (b) affect significantly the local distribution or abundance of the species to which they belong
- (c) Will damage or destroy a breeding site or resting place used by bats.

The Local Planning Authority is required to have regard to the requirements of the Habitats Direction in deciding whether or not to grant planning permission.

The circumstances of this application are such that whilst general concerns have been raised in respect of potential harm to bats and birds.

No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of any proposed gateway. The decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration. Given the lack of evidence and the nature of the site an Ecological Assessment was not required.

4. EQUALITIES AND DIVERSITY ISSUES

Summary of the Provisions of the Equality Act

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.

Section 149 provides:

- (1) A public authority must, in the exercise of its functions, have due 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.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) tackle prejudice, and
 - (b) promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6)The relevant protected characteristics are-

- age;
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Equalities impacts evidence gathering

There has been extensive consultation on the equalities impacts of this proposal with two rounds of public consultation, the second being primarily focused on equalities issues.

An equalities questionnaire was sent to all consultees requesting their views on the potential equalities impact of the development on protected groups in the area who might be affected by the scheme.

Analysis of relevant impacts on protected groups

It is considered that the following protected groups will potentially be affected by the proposal:

- Jews
- Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- Secular Groups – Agnostic, Atheist, Humanist
- Disabled people
- Elderly Jews
- Young children and parents of young children who are Jewish
- Jewish women (on the assumption that these have greater childcare responsibility)

Before analysing the potential impact of the proposal on each of these groups it must be acknowledged at the outset that monitoring and assessing religious equality or equality between people with different beliefs can be difficult. Varying levels of commitment to particular religious or beliefs can make it difficult to interpret the information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith and an orthodox Jew who observes the Sabbath and refrains from “carrying” on that day except within an eruv.

Orthodox Jews

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws.

The applicant's statement, which is attached as an appendix, states that the Barnet Synagogue is an Orthodox Jewish Community and as such it is assumed that its members observe Jewish Law. The Jewish Community comprises 15% of Barnet's population.

This prohibition has the following potential adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath:

Parents cannot utilize a pram or pushchair to take their baby/young child with them to the synagogue or anywhere else such as to friends, elations etc.

In effect this means that children aged two and under may be housebound and unable to attend synagogue. The same will be true for at least one of their parents, a situation that would persist until all the children in a family are able to walk to synagogue and back.

The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

Disability takes various forms and those who require an appliance such as wheelchair, walking stick, zimmer frame to get out and about cannot make use of such aids in a public thoroughfare without transgressing Jewish Law on the Sabbath.

The prohibition also applies to the carrying of medication such as pills, nebuliser unless the absence of such medication unless the absence of such medication were life threatening. Less obviously Jewish law also prevents the carrying of reading glasses whilst walking.

The introduction of the Eruv would directly benefit these members of the Jewish community who are adversely affected as described.

Other members of the Jewish community would also benefit indirectly from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

Information provided by the applicant, advises that Barnet Synagogue has 900 members in 550 households, 71 of these households have members who are over 75 years of age and 26 of these households have children aged 4 years or under. So the total of elderly, children and children's parents who would benefit from the introduction of an Eruv is around 240.

The overwhelming majority of Jewish people who completed the equalities questionnaire were in favour of the proposal. As can be seen from the earlier section the most common points made in favour were the benefits that would accrue to the young, the disabled and the elderly.

Other Faith Groups

Other protected groups who may be impacted by the Eruv development by virtue of their religious beliefs include members of the Bahai, Buddhist, Christian, Hindu, Jain,

Muslim, and Sikh Communities who comprise a combined total of 73% of the borough's population.

Based on the equalities questionnaires distributed in respect of this application of the total of 94 questionnaires that were returned completed 52 (55%) were completed by persons within these groups. The most commonly represented faith group within this section were Christians who completed 46 (88%) of this group of questionnaires of which 36 out of 46 (78%) objected to the proposal.

A breakdown of the 52 questionnaires returned by persons within these groups show that a total of 42 objections were raised (80%), 7 (13%) made no comment and 3 (6%) supported the application.

The main objections raised by members of these groups relate to the potential negative effect that the introduction of the eruv equipment would have on their own religious beliefs. In particular concerns were raised that the eruv would be imposed on the whole community, the majority of whom do not share the religion or beliefs of the Jewish community. It was also suggested that the Eruv would enclose non-Jewish residents within a Jewish boundary it was feared that this would incentivise members of that particular minority moving to the area leading to a demographic change and change in the character of the area. Consultees from other faith groups pointed out that there is no need for the Eruv given the relatively small number of Jewish residents in the area. A significant proportion of the objectors felt strongly that the proposal would adversely affect their religious beliefs which are protected characteristics.

Officers recognise the strength of feeling about the perceived impact that the Eruv development will have on the religious beliefs of members of other faiths in the community. The effect of this on the individual will vary from person to person and there is clearly an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief. The level of commitment to a particular religion or belief will vary from person to person.

However these identified impacts on members of other faith groups must be balanced against the following considerations:-

The proposed Eruv equipment comprising poles, leci, gateways and wire will not display any Jewish or any other religious symbolise that would allow them to be readily identified as being of religious significance.

The proposed poles would be up to 6m high and connected in places by relatively thin wire. Officers consider that they would appear as part and parcel of the variety of street furniture with no discernible religious significance. In addition the poles and equipment will be located where possible at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene.

The Council of Christians and Jews has written in support of the proposal. It commented on the advantages that the proposal would have for members of the Orthodox Jewish community with poor mobility. The CCJ "see the allowing of Eruvim as part of the wider community's embrace and engagement with minority groups". They added that the intention to always make the Eruv poles as

unobtrusive as possible and that the poles are not very obtrusive at all. Whilst most of the CCJ's comments related to the benefits of the proposal to the Jewish Community it is notable that the CCJ submissions did not raised any particular objections on behalf of the Christian community. This indicates that at least certain sections of the Christian communities may have no particular objections to the scheme.

The physical impacts of the proposed Eruv equipment have been considered on a site by site basis earlier in this report. Officers consider that the siting of the Eruv equipment would not result in visual obtrusions such as to warrant refusal of the proposal and the equipment could be readily assimilated into the general street scene.

There are already Eruvim in existence in Barnet. The operation of these Eruvim provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

The presence of other eruvim has been referred to in a letter from the Board of Deputies of British Jews (The BOD) which is summarised in the appendix. The comments relevant to this section of the report are as follows:-

- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- The Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- The Community security Trust records anti-Semitic incidents in the K. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings at senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made aware of any objections from these groups to an Eruv
- From experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.

- The best case for an Eruv in Barnet is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

Officers do not have any evidence to contradict the points raised by the BoD in respect of the operation of the existing Eruvim in the borough. In the process of the consideration of this application officers have visited these Eruvim and would support the comments made in respect of their assimilation into the general street scene.

Officers recognise and have had due regard to the strongly held views of members of other faith groups about the potential negative impacts of the Eruv of their beliefs and local environment. However, officers consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where there is no evidence that these concerns have been borne out in practice. The potential adverse impact of the proposal on these protected groups also needs to be balance against the positive outcome that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to worship at the Synagogue on the Sabbath and the Day of Atonement.

Secular Groups

This group includes Atheists, Agnostics and Humanists. A total of 28 [30%] completed questionnaires were received from members of these communities, all except 1 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

The particular concerns raised by members of this group were that it would raise secular tensions, promotes inequality and imposes religious beliefs on other persons.

These concerns were raised in 14 (50%) of the responses, as such it is evident that a significant number of persons in this group consider that the proposal adversely affects their protected characteristics.

It is evident from the first round of consultation that these concerns together with the objections in respect of the potential imposition of religious symbols/designation on members of other faith groups and secular persons are widely held views by those who responded to the consultation process.

It is considered that these perceived adverse impacts are mitigated by the following:

- The successful operation of existing Eruvim elsewhere in this borough and in neighbouring authorities where there is no evidence that an Eruv gives rise to tension between secular and religious groups.
- The Eruv equipment does not carry any Jewish symbolism and is usually seen as part and parcel of the normal street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Jewish Community.

Disabled people

A total of 8 questionnaires were completed and returned by disabled persons equating to 8% of the overall total returned, 1 of the questionnaires (12%) was completed by a member of the Jewish community. The applicant and 3 other consultees support the scheme on the grounds of the benefits which would accrue to disabled persons as a result of the Eruv namely being able to attend the Synagogue to worship on the Sabbath.

7 responses were received from Non Jewish disabled persons of which 2 objected to the proposals, 3 response made no comment. A further 2 questionnaires in support of the proposal were received from non Jewish disabled persons. None of the objections raised concerns about any specific detrimental impacts from the proposal on disabled persons.

Potential negative impacts on disabled people

Although this was not a point raised in questionnaires responses, there may be a potential impact on partially sighted/blind persons whereby the equipment could create a trip or collision hazard which could have a serious effect on their safety and general wellbeing.

Access in Barnet have been consulted and raise no objection in principle provided that the poles do not narrow any footway.

In considering concerns that the proposed Eruv equipment could create a hazard to disabled persons using the highway, officers accept that this is a significant and valid concern. Officers consider however that the sites for the equipment have been carefully chosen so as to prevent such situations arising. The Eruv poles themselves are 76mm in diameter so are relatively thin structures that can be sited at the back edge of the pavement so as to minimise intrusion onto the footway. The Eruv poles are considerably smaller than many items of street function that can be erected without the need of any planning permission. The location of the Eruv poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

The council's Highways Group, who are directly responsible for highway and pedestrian safety on the Borough's roads have been consulted throughout the process and have no objections to the proposed. As can be seen from their comments reported earlier, the impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration. Similarly TFL have been consulted and have raised no objections to the proposal. In addition to planning permission being necessary, the equipment also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued.

Officers also consider that having visited the individual sites and having considered the proposed siting of the Eruv equipment, any impact on the safety of disabled members of the community would be mitigated by the combination of the size and design of the equipment and its location.

The impact of the existing Eruvim on the health and safety of disabled members of the community should also be taken into account when considering these issues. From the information provided by the applicant, which is not contested by the Highways Group, there is no evidence that there have been any incidents of the Eruv equipment causing an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of Eruv equipment on the public highway could result in a hazard to members of the public in general and disabled persons in particular that is not the case with this proposal. Each site has been carefully assessed and the siting of the Eruv equipment would not adversely impact disabled members of the community.

Positive impacts on disabled persons

On the other hand, the proposal would significantly and positively benefit disabled members of the Jewish community in that it would enable them to attend the synagogue for worship on the Sabbath as well as generally being able to leave their houses to socialise with friends and family on those days. It would in effect give them the same opportunity to join in the spiritual and social life of their community, as well as the wider community on the Sabbath in accordance with the Equality Act.

Overall, officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Jewish community.

Elderly People

There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled.

Positive impacts for elderly Orthodox Jews

Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals. Without an Eruv elderly Orthodox Jews are prohibited from carrying these items on the Sabbath and as such may be housebound and unable to take part in religious services at the synagogue.

The introduction of the Eruv allows elderly Orthodox Jews to participate in religious and communal activities more easily.

Information provided by the applicants indicated that there are some 71 households with members aged 75 years or older who would potentially benefit from the proposal.

Of the 9 questionnaires completed by members of the Jewish community, 4 (44%) were completed by elderly persons of which 3 (75%) supported the proposal. 1 of the respondents supporting the application did so citing the improvement to their quality of life that the Eruv would bring. The remaining respondents made no comment.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise as far disabled persons, for example potential impacts in relation to greater obstructions on the pavement etc.

Overall it is considered that the Eruv would bring significant benefits to elderly members of the Jewish community, as described in the previous section.

Conversely the Eruv could also have potential negative impacts as in the previous section but it is considered that these concerns have been addressed by the previous comments.

The proposal would have clear and significant benefits for elderly member of the Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

Young Children and parents of young children in the Jewish Community

Without an Eruv, very young children that have not reached walking age or are only capable of walking short distances would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

Due to children responsibilities, at least one parent would similarly be effectively housebound. Moreover it is likely that mothers would have a greater childcare responsibility and therefore are likely to be disproportionately affected.

The introduction of the Eruv would enable the use of pushchairs, prams etc for taking children out on the Sabbath. This would provide greater equality of opportunity not only for the children themselves but also their carers. In addition there would be indirect benefits to the wider community from being able to include all members in the various activities.

One of the questionnaires returned by Jewish members of the community was from a member with young families; and supported the proposal.

Officers consider that the proposal would positively benefit members of this particular group. No noteworthy potential adverse impacts on members of this group have been highlighted or drawn to officer's attention through the consultative process.

Fostering Good relations

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding”

It is considered that the planning application itself provides an opportunity for inter religion understanding to be promoted. The promotion of the planning application

and public consultation which outlines the role of the Eruv has provided an insight into the practices of the Orthodox Jewish Community to other local people. The LPA's consultation exercise involved some 1400 local residents.

The applicants, as part of the pre application consultation, held a public meeting in December 2010 and explained the operation and details of the Eruv to non-Jews who attended and the Council is advised that no objections were made at the meeting.

The Board of Deputies for British Jews is particularly engaged with inter faith dialogue, with regular meetings at all levels and no objections have ever been made to an Eruv.

The experience of the successful operation of Eruvim continues to foster good relations between Jews and non Jews.

Overall conclusion on equalities impacts

In determining this planning application the LPA must have due regard to the equalities impacts of the proposed Eruv on those persons protected under the Equality Act 2010. This Act requires the LPA to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts both positive and negative have been weighed in the case of each of the affected protected groups. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on elderly, disabled and young members of the Orthodox Jewish Community.

Officers consider that proposal has the potential to generate certain negative impacts on groups with the protected characteristics of age, disability, religion or belief.

There have been substantial and genuine objections to the application made in respect of religious or belief characteristics. Many people feel strongly against the Eruv and have taken the time and trouble to detail those objections.

However, officers consider that in practice the development would not change the use of the land nor impose any changes in behaviour on others. The development proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath.

The creation of the Eruv itself does not require planning permission as most of the physical equipment does not constitute development for the purposes of the Town and country Planning Act 1990. The application comprises pieces of street furniture, cylindrical poles joined at the top by thin wire, hardwood uprights and lintels, and 1m high posts known as Leci.

Besides the 'gateway' constructions proposed, there are no physical manifestations delineating the Eruv boundaries. The 'gateways' would not display any signage or religious symbol. The fears expressed that the development would alter the

character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv have not been borne and in the parts of the borough which currently have Eruvim and it is considered that the benefits to the identified protected groups would outweigh the perception of harm.

No one group would be directly disadvantaged by the Eruv, however those Jews who do not wish to transgress Jewish Law would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups, outside of the Jewish community.

Conclusion

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advise has three dimensions; economic, social and economic. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural well being.

The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment needs to be taken into account in the consideration of this application.

The application is also supported by the London Plan, in particular policy 3.16 which seeks the protection and enhancement of social infrastructure.

In addition the application has the support of the Council's development plan policies.

Each individual Eruv equipment site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the visual amenities of the area and the amenities of neighbouring residents. In conservation terms the application would be neutral and would therefore preserve the character and appearance of the conservation area. Concerns which have been raised in respect of the potential impact on wildlife and European Protected Species have been addressed.

The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in this regard.

The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken into account in the consideration of this application. No one group would be directly disadvantaged by the Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups, outside of the Jewish community as previously addressed.

Eruvim already exist elsewhere in the borough and officers have visited these to assess the impact that the equipment has on the character and appearance of those areas. Officers consider that the Eruv equipment has no adverse impact and readily assimilates into the street scene. Similarly there is no evidence that the concerns raised in respect of the potential adverse impacts of the proposal on protected groups have materialised.

The application is considered to be acceptable and approval is recommended.

Appendix

Applicant's Statement

To address the provisions of the Equality Act the applicant has submitted the following statement:

Section 149(1)(b) – Age and Disability

Woodside Park Synagogue and Barnet Synagogue are constituent members of the United Synagogue, which is an organisation founded with the sanction of an Act of Parliament in 1870. It takes its religious authority from the Chief Rabbi of Great Britain and the Commonwealth, currently Lord Sacks, and is thus an Orthodox Jewish community.

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath (from dusk on Friday to dusk on Saturday) and on the Day of Atonement. This prohibition has a number of adverse effects on the very young, the very old and the disabled as follows.

Parents cannot put their baby or young child in a pram or pushchair and take them to the synagogue. Nor can they take them to the homes of friends for lunch or tea or, for example, to a birthday party. As a result, children aged four and under will be housebound, as will at least one of their parents, unless their parents are willing to transgress Jewish law. Thus parents with, say, three children aged 6, 3 and 6 months will find that, as a family, they are effectively housebound for a period of some ten years. The Sabbath is an ideal time for families with young children to socialise and the inability to do so without transgressing Jewish law is a severe hardship.

The very old will often walk with the aid of a walking-stick, either because they need to or because they feel more secure in doing so. However, they cannot do so without transgressing Jewish law.

Disability can take many forms. Those whose disability affects their walking will require an appliance, such as a walking stick, Zimmer frame or wheelchair, to get out and about. However, they cannot take any appliance into the street without transgressing Jewish law. If their disability requires medication to be carried, such as pills or a nebuliser, this also cannot be done unless the absence of the medication would be life-threatening. Even an everyday matter, such as carrying a pair of reading glasses in one's pocket, cannot be done when out walking.

Section 149(1)(b) of the Equality Act provides that LBB must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons whose age or disability puts them at a disadvantage to others. Section 149(3) explains that this involves having due regard to the need to remove or minimise disadvantages suffered by such persons, to take steps to meet the different needs of such persons and to encourage such persons to participate in any activity in which their participation is disproportionately low. Section 149(4) explains that to meet the needs of the disabled, the steps to take are those that take their disabilities into account.

Each year currently and for many years past, Woodside Park Synagogue has a total of about 25 Barmitzvahs (for boys) and Batmitzvahs (for girls). So the cohort of children in each year group is about 25. Therefore at any given time there will be about 100 children aged from 0 to 4, spread between at least 50 families.

As at the 31st December 2010 the age profile of Woodside Park Synagogue's membership was:

<u>Age</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
21 - 30	31	34	65
31 - 40	107	110	217
41 - 50	103	121	224
51 - 60	128	128	256
61 - 65	71	78	149
66 - 70	37	57	94
71 - 80	89	104	193
81 - 90	46	94	140
91 - 100	14	21	35
100+	0	2	2
unknown	1	6	7
0 - 4	50	50	100

It can immediately be seen from this table that the Synagogue has 370 members aged 70 years and over.

One can therefore calculate that the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 600.

Barnet Synagogue has 900 members in 550 households. 71 of these households have members over 75 years of age and 26 of these households have children aged 4 years or under. So the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 240.

This total of about 840 for Woodside Park and Barnet Synagogues is not, however, the full story. There are in addition many more families who have their grandchildren and/or their elderly parents come to stay with them over a weekend. They are adversely affected on Friday night and Saturday in exactly the same way and thus a significant number of people are disadvantaged for the relatively small area concerned.

We have asked a number of our members who are elderly, disabled or have young children to write personal letters explaining how their age or the age of their children or their disability currently puts them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgress Jewish Law. And to explain how the creation of an Eruv would remove or minimise that disadvantage, would meet their different needs, would take their disabilities into account and would encourage them to participate in activities from which their participation is currently precluded by the age or disability. We attach their letters and emails to this Response as **Appendix A**.

We have asked a number of individuals living in North West London or Edgware who are elderly, disabled or had or have young children, to write explaining how – before their local Eruv was constructed - their age or the age of their children or their disability put them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgressed Jewish Law. And to explain how – since the construction of their local Eruv – their Eruv has removed or minimised that disadvantage, met their different needs, took their disabilities into account and encouraged them to participate in activities from which their participation was previously precluded by age or disability. We attach their letters and emails to this response as **Appendix B**.

Finchley Central Synagogue of Redbourne Avenue N3 lies just to the north of the existing NW London Eruv and hence outside it. However, it will fall within the Woodside Park Synagogue Eruv and hence supports it. The impact of the Eruv on the Jewish community may be seen clearly and starkly as regards the members of this Synagogue. Although the Synagogue has long had an attractive and purpose-built synagogue building in Redbourne Avenue, for the last three years it has ceased to hold services on the Sabbath in its building and has instead held services in Pardes House School premises, which are at Church End and hence are within the NW London Eruv.

As can be imagined, abandoning the attractive synagogue building in favour of a school hall was not an easy (or in some circles popular) decision. However, it became a necessity because families with young children simply could not get to the synagogue building on the Sabbath and were therefore deserting the community. Following the move, dozens of young children and their parents now attend the services. We attach a letter from Rabbi Yaakov Hamer of Finchley Central Synagogue to this Response as **Appendix C**.

Section 149(1)(c) – Fostering good relations

The section requires that LBB must also, in the exercise of its functions, have due regard to the need to foster good relations between persons who share a relevant protected characteristic, such as the Jewish religion, and persons who do not share it. Section 149(5) states that this involves having due regard to the need to tackle prejudice and promote understanding.

The planning applications for the Eruvs provide a classic opportunity for inter-religious understanding to be promoted by LBB. Most non-Jews were unaware of the concept involved and all who have had it explained to them have been supportive. The Totteridge Residents Association and the Totteridge Manor Association, were both consulted by Woodside Park Synagogue before its application was submitted and neither has raised any objection. The Woodside Park Residents Association was notified of this application by LBB. They discussed it and again raised no objection.

24. In addition, Woodside Park Synagogue advertised in the local Press and convened a public meeting in December 2010 and explained the operation and details of the Eruv to the non-Jews who attended. Again, there were no objections.

Totteridge Ward Councillors, Brian Coleman and Alison and Richard Cornelius have all been consulted about the Eruv and have been supportive, as has local MP Teresa Villiers.

The Board of Deputies of British Jews works widely with representatives of other faiths. The Board is ideally placed to know whether Eruvs have caused any disquiet within or objection from other faith groups. The Board's letter, attached to this Response as **Appendix D**, confirms that this has not been the case.

Parliament contemplated that some might consider that minority interests were being given unduly favourable treatment. Accordingly, section 149(6) of the Act provided as follows:

- (6) *Compliance with the duties in this section may involve treating some persons more favourably than others;*

It is also the case that LBB has the largest concentration of Jewish residents in the UK. This may explain why some Barnet residents have a perception that the Jewish community is being given more favourable treatment than others. However, that perception is merely a reflection of the ethnic make up of the Borough and is unjustified when viewed objectively and in proper perspective. For example, many streets in the Borough, including Golders Green Road, are adorned with Christmas lights each year and church bells ring out their message far and wide.

Jewish Law permits one to carry from Eruv to Eruv so long as they are contiguous. The Woodside Park Synagogue Eruv will be contiguous with the NW London Eruv and with the Mill Hill Synagogue Eruv. The Barnet Synagogue Eruv will be contiguous with the Woodside Park Synagogue Eruv and the Cockfosters & N Southgate Synagogue Eruv. Accordingly, when the Woodside Park Synagogue Eruv is operation Jewish families with their young children, as well as the elderly and disabled, will be able to visit family and friends in High Barnet, Cockfosters, Hendon or Mill Hill. The numbers involved, whilst not large, will be significant in relation to the geographical area involved. Correspondingly, without the Woodside Park Synagogue Eruv this contiguity will be lost, to the detriment of these families.

52 days a year presumably refers to every Friday night and Saturday. This represents one half of the weekend and thus one half of most people's leisure time, which is a significant amount of time. The Day of Atonement should also be included, and this is the most solemn day in the Jewish calendar.

With two exceptions, where the Planning Officers specifically requested rustic poles and lintel, all the poles will be indistinguishable from existing signage poles found on roadsides. They will be painted grey-green to match such sign age poles and will be visually innocuous. There will be just 3 sets of poles in Wood side Park, 6 sets in Totteridge and 8 sets in the High and East Barnet areas and they will not have any adverse visual impact in either locality.

Under Jewish Law, the poles have to be placed right next to an existing wall or fence. They cannot be placed on the kerb (as are many lampposts, telegraph poles and trees) and therefore they cannot and will not constitute an obstruction to free passage or a hazard to the disabled. Indeed, in the 9 years that the NW London has

been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs. We attach a letter from the Court of the Chief Rabbi (Lord Sacks) to this Response as **Appendix E**.

In many cases, the poles will not be on the pavement at all. For example, of the 3 sets in Woodside Park, none will be on the pavement. And in Totteridge, only 2 sets will be on the pavement.

The Woodside Park Synagogue and its members would not wish to do anything that might upset the congregation of St Andrew's Church.

Before submitting its planning application, Woodside Park Synagogue carried out a formal pre-planning consultation with LBB Planning Officers. This involved visiting each proposed site and receiving the Planning Officers' detailed written report.

One of the sites proposed by Woodside Park Synagogue was on Totteridge Lane, right outside St Andrew's Church. It had been selected because it was the only site on Totteridge Lane that did not involve placing a pole on, or passing a wire over, the grass verges, which are privately owned by the Totteridge Manor Association. The Planning Officers recommended that we chose a different site, so as not to intrude on the Church. We acceded to their request and found two alternative sites on Totteridge Lane; one on a TMA grass verge adjacent to Eagle House, some 70 metres from the Church, the other opposite the junction of Northcliffe Drive, some 200 metres from the Church. The Planning Officers saw no problem with either of these alternative sites.

Having obtained TMA consent to the placing of a pole on their verge, our planning application was only in respect of this first alternative site. However, if 70 metres from the Church is still regarded as too close, we are perfectly content to use other alternative site, opposite the junction of Northcliffe Drive. To this end, on 17 January 2012, we submitted an amendment to our original application to include this alternative site. We attach a copy of this amendment as **Appendix F**.

We are sensitive to the feelings of our Christian neighbours and we believe that 200 metres from the Church and concealed by trees fully satisfies any legitimate objection.

It is not accurate to describe a plain green-grey pole, with an invisible fishing-line wire at the top and with no other adornment, as a 6m high Jewish symbol. The pole carries no Jewish symbols whatsoever and is indistinguishable from other street furniture.

It may be the case that the creation of an Eruv will encourage Jews to live within it rather than outside it. However, no measurable shift in the location of the Jewish population is anticipated for one fundamental reason. Namely, that most of the North and North West London Jewish communities now have an Eruv or are proceeding towards obtaining one. Thus Eruvs have been constructed for North West London (Hendon, Finchley Central and Golders Green), Edgware, Stanmore and Elstree & Borehamwood. And Eruvs are in progress for Mill Hill, Barnet, Cockfosters & North Southgate and elsewhere. With all the major communities having Eruvs, there is

simply no reason for significant demographic movement and no expectation that this will occur.

In fact, because of their low birth rate, inter-marriage and emigration, the Jewish population of the UK is shrinking overall. Even with an Eruv, this trend is likely to continue.

It is not fair or accurate to describe the poles as anti-Christian. They are neither visually anti-Christian nor are they symbolic of any anti-Christian sentiment. In fact the poles have no intrinsic religious significance whatsoever. An Eruv is created when an area is enclosed by a wall or fence. For the most part, the walls and fences enclosing all the Eruvs that have been created worldwide comprise existing features, such as walls and fences along or around roads, railways and buildings. Poles and wires just bridge the gaps between these walls and fences. However, neither these walls nor fences nor poles have any intrinsic religious significance, symbolism or sanctity.

A grey-green pole no more forces religious beliefs on to others than a telegraph pole forces someone to install a telephone. Indeed, the poles are far less intrusive and have no religious symbolism when compared to say Christmas lights or church bells. Within a few weeks, the poles will become an accepted part of the streetscape and will be forgotten. We have asked many people to identify the location of any of the NW London Eruv poles, which have been in situ for about 9 years. None has been able to, even though, once we have pointed out some locations, they admit to having driven between them on a daily basis.

Section 149 of the Equality Act 2010 came into force in April 2011. Since that date, planning permission has been granted for the Manchester Eruv by each of Salford, Bury and Manchester Councils. In each case there was opposition on human rights, conservation, religious and animal welfare grounds. However, notwithstanding these objections, and no doubt mindful of the provisions of section 149, planning permission was granted by each Council, the most recent being Salford in December 2011. We attach a copy newspaper report about the Manchester Eruv to this Response as **Appendix G**.

Conclusions

The construction of the Woodside Park Synagogue and Barnet Synagogue Eruvs will significantly enhance the lives of many hundreds of Jewish residents of the London Borough of Barnet who, either because of their young age cannot be taken out on Friday night, Saturday and the Day of Atonement because they require a pram or push-chair, or, because of their old age or disability, cannot go out on these days because they need a wheelchair, walking-stick or medication. The construction of the Eruvs will accordingly advance equality of opportunity between these persons, who share the relevant protected characteristic of age or disability, and persons who do not share it. As such, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(b) of the Equality Act 2010.

The construction and operation of Eruvs in NW London, Edgware, Stanmore and Elstree & Borehamwood over the past 9 years have not given rise to any objections from other faith groups, who generally have been keen to encourage inclusive religious practice. No objections have been raised by local Residents Associations to

the proposed Woodside Park Synagogue and Barnet Synagogue Eruvs and the small number of poles required in order to construct these Eruvs will have no material impact on the other residents of the Borough. In these circumstances, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(c) of the Equality Act 2010.

Appendix A

34 letters of support from members of the Woodside Park Synagogue. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- The disabled will be able to carry/ use required aids such as walking sticks, wheelchairs, handkerchiefs and medicine without transgressing Jewish law (19)
- Disabled and elderly would be able to fully participate in Jewish life on the Sabbath, socialise and attend services (10)
- Synagogue has a membership of 860 families and a number of elderly and young are affected (1)
- Need special prayer book for high festivals but am unable to carry this. Must make a special journey before and after to deliver and collect (2)
- children cannot be pushed in a pushchair meaning members cannot attend synagogue until the children are old enough to walk (19)
- Lack of an Eruv prevents socialising with friends and family on a Sabbath as journey impossible without a buggy (18)
- When children were growing up we were unable to attend synagogue or social activities for 8 years. Would not wish children and grandchildren to be similarly disadvantaged. (1)
- Eruv would benefit those with young children (8)
- 27% of the UK's Jewish population lives in Barnet (20% of the local population). Not allowing an Eruv may be discriminatory in that it prevents a substantial number from enjoying rights to religious freedom (1)
-
- Young Jewish families would be forced to move to nearby communities that already have an Eruv (1)
- Garden is not enclosed so am unable to carry anything into the garden or allow granddaughter to be wheeled out in pram (1)
-
- Unable to carry an umbrella so heavy rain can impede walking (1)
-
- Reading glasses could be carried (1)
- Approval of the Eruv will enable the synagogue to comply with section 149 of the Equality Act 2010 which will prevent members being disadvantaged through age or disability (1)

Appendix B

3 letters of supports from individuals living in the borough of Barnet in areas within an Eruv. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- Before the Eruv were unable to push children in buggy. Following the introduction of the Eruv the synagogue became accessible (2)
- Eruv allows young family to visit parks, family and socialise on the Sabbath (2)
- Eruv removed disadvantage when children were young (1)
- Eruv enables the disabled to fully participate in the community (1)

Appendix C

Summary of letter from Rabbi Hamer Finchley Central Synagogue:

- Approx 3 years ago, following a steady decrease in activity and membership, the synagogue moved Sabbath services to a location within the North West London Eruv.
- Previously the synagogue had been unable to attract families with young children or the elderly who needed wheelchair assistance.
- Following the move the synagogue has been able to attract young families and now have 2 children's services on the Sabbath.
- Elderly members of the community have been able to attend
- Additional families have caused a rejuvenation in the synagogue which would not have happened if synagogue has stayed in old location

Appendix D

Summary of letter of support from the Board of Deputies of British Jews (The BoD):

- Endorse the response from the Woodside Park synagogue regarding Section 149 of the equality Act 2010.
- the advantages to those who use the Eruv are considerable and life changing
- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- the Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- Whilst the duties under the Equality Act may be new or enhanced the material facts to which regard must be had remain the same
- The BoD represents all Jews in the country, including the non Orthodox and the secular, for whom the Eruv is an irrelevance or something to which they object

- Some Jewish people feel that an Eruv draws attention to the Jewish community and oppose its introduction
- In the experience of the BoD these fears have proved unfounded
- the Community Security Trust records antisemitic incidents in the UK. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat.
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings at senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made aware of any objections from these groups to an Eruv.
- from experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- Never been made aware of any incidents where a sight impaired or otherwise disabled person has been inconvenienced, still less injured, by the existence of an Eruv.
- Provision has been made to ensure that this remains the case. The rules for the construction of an Eruv are pragmatic and flexible and it is a requirement in Jewish law that nothing should be done or left undone that might cause injury to another person.
- The existence of an Eruv will make life more tolerable for religiously observant Jews who are disabled or have young children. They will be able to leave home, attend synagogue and visit friends and family.
- Can be argued that Section 149 of the Equality Act favours the establishment of facilities that would assist those with the dual protected characteristic of being Jewish and disabled for example
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.
- The best case for an Eruv in Woodside park is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

Appendix E

Summary of letter of support from the Court of the Chief Rabbi

- have been asked to clarify the issue of positioning of Eruv poles and whether they are likely to create a hazard for the blind and disabled.
- Under Jewish Law the poles are required to be positioned directly adjacent to the wall, fence or hedge at the side of the pavement and are thus extremely unlikely to create any kind of obstruction
- In the 9 years that the NW London Eruv has been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs
- One of the great advantages of the Eruv is to better facilitate the movement of the disabled and infirm of the Jewish faith on the Sabbath.
- There is often a degree of flexibilities to the precise position of a pole, so that if in a particular scenario there was any concern in this regard, we expect to be able to find an alternative position so as to avoid any potential problem.

Appendix F

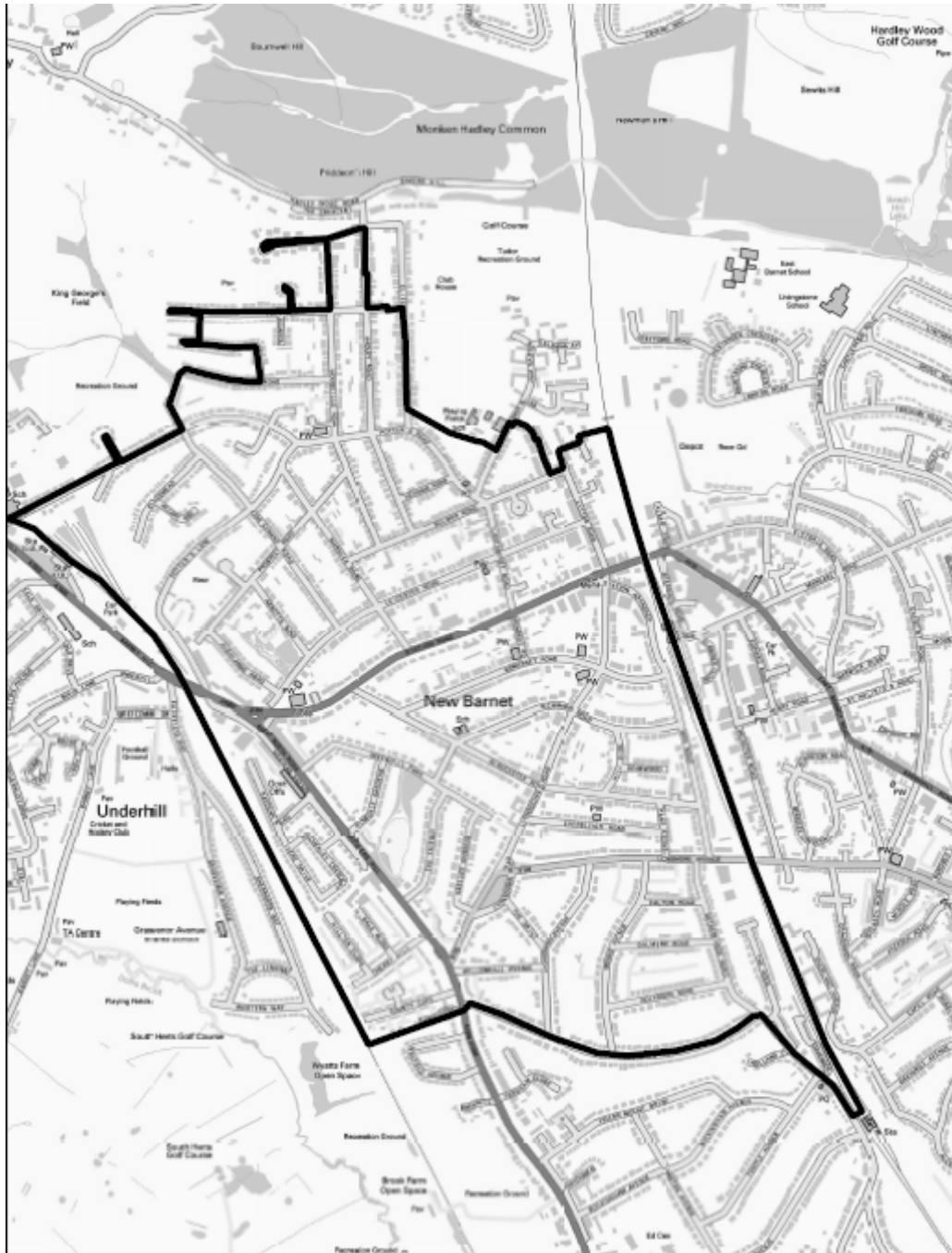
Details of alternative site 22 sited 200 metres from St Andrew's Church.

Appendix G

Newspaper report from the Jewish Chronicle regarding the recently approved Manchester Eruv.

SITE LOCATION PLAN: Barnet ERUV

REFERENCE: B/03772/11



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LOCATION: Woodside Park ERUV

REFERENCE: B/03356/11

Received: 20 July 2011

Accepted: 09 September 2011

WARD(S): Brunswick Park, Coppetts,
East Barnet, East Finchley, Mill Hill,
Oakleigh, Totteridge, West Finchley,
Woodhouse

Expiry: 04 November 2011

Final Revisions:

AGENDA ITEM 8

APPLICANT: Trustees for The Woodside Park Synagogue

PROPOSAL:

In connection with the creation of an Eruv* in Woodside Park, the construction of pole and wire, or wooden, gateways, or 1m high posts known as 'leci' at the following locations:

1: East end of pedestrian bridge over railway, to the rear of 104-106 Alverstone Avenue, EN4 8EE (2, 3.5m high poles and connecting wire)

2: Adjacent to 1 Beresford Avenue N20 0AD and the Electricity Sub Station adjoining the Petrol Filling Station, Russell Lane (2, 6m high poles and connecting wire)

3: Land rear of 47 and 49 Beresford Avenue N20 0AD (2 no., 6m high poles with connecting wire)

4: Bridge over railway Oakleigh Road South and junction with Beaconsfield Road N11 (2 no., 6m high poles with connecting wires)

5: Railway bridge Friern Barnet Road close to the junction with Station Road, N11 1ND (2 no., 6m high poles with connecting wires)

6: Footbridge at New Southgate Station (2 no., 1m high leci)

7: Under the Railway bridge at Pinkham Way A406 (1 no., 1m high leci)

8: North Side of Bridge over Pinkham Way A406, Pegasus Way N11 3PW (2 no., 6m high poles with connecting wires)

9: Footbridge at Atlas Road adjoining the A406 (3 x sets of 2 no., 6m high poles with connecting wires)

10: North Side of Bridge over A406, Colney Hatch Lane N11 (2 no. 6m high poles with connecting wires)

10A: North Side of Colney Hatch Lane Footbridge over A406 (1 no., 6m high pole with connecting wires)

11: Footbridge over A406 near Coppetts Close N12 0AG (2 no., 3.5m high poles with connecting wire)

12: Bridge Over A406 at High Road N3 2AX (2 no., 6m high poles with connecting wire)

13: North Side of Footbridge over A406, Abingdon Road N3 (2 no., 5m high poles with connecting wire)

14: Long Lane N3 under A406 (2 no., 1m high leci)

18: Adjacent to Frith Manor Orchard, Partingdale Lane NW7

1NX (2 no., 6m high poles with connecting wire)

19A: Rear of 164 and 166 Chanctonbury Way N12 7AD (3m high 'rustic' gateway constructed with 2 hardwood uprights with a hardwood beam across the top)

0: Woodside Park Club Southover N12 7JG (3 no., 6m high poles with connecting wire)

20: Footpath adjacent to 65 & 67 Michleham Down N12 7JJ (2 no., 3.5m high poles with connecting wire)

21: Footpath adjacent to Laurel Farmhouse and Beatrice Court Totteridge Green N20 8PH(3m high 'rustic' gateway constructed with 2 hardwood uprights with a hardwood beam across the top)

22: Fronting Cardinals, 23 Totteridge Village N20 8PN and adjacent to Normandy, 1 Northcliffe Drive N20 8JX, fronting Totteridge Village (3 no., 6m high poles with connecting wire)

22A: Fronting Eagle House 42 Totteridge Village N20 8PR and Stonehaven 31 Totteridge Village N20 8PN (2 no., 6m high poles with connecting wire)

25: Access way between 92 and 94 Totteridge Lane N20 8JG (2 no., 3.5m high poles with connecting wire)

26: Adjacent to 75 Oak Tree Drive N20 8QJ and 62 Great Bushey Drive N20 8QL (2 no., 6m high poles with connecting wire)

27: Footpath Adjacent to 84 Totteridge Lane N20 8QQ (2 no., 3.5m high poles with connecting wire)

28-30: Adjacent to Dollis Valley Green Walk Between Brookmead Court and 64 -76 Totteridge Lane N20 8QG (3 no., 6m high poles with connecting wire)

31: Brook Farm Open Space Bridge Over Northern Line (2 no., 3.5m high poles with connecting wire)

32: Adjacent to Turners Court Great North Road EN5 1EG and 6 Great North Road EN5 1JS (2 no., 6m high poles with connecting wire)

33: Netherlands Road, Between Temple Lodge and 92 Netherlands Road EN5 1BU and Stevenson Close Flats opposite (2 no., 6m high poles with connecting wires)

34: Adjacent to Hall at 1 Stevenson Close EN5 1DR (2 no., 6m high poles with connecting wire).

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement; Arboricultural Implications Assessment Tree Protection Plan dated November 2010; Ecological Assessment prepared by BioScan dated 5.4.11; E-mail from Andrew Warner Dalton Warner Davis LLP dated 10.1.12 Detailing 10mm Wire Diameter at Sites 0 Southover and 31 Brook Farm OS; E-mail from Nina Jones Dalton Warner Davis LLP dated 19.4.12 Stating Bat Boxes for Sites 0, 27 and 31 will be Provided as the Poles are Installed on Site; E-mail from Nina Jones Dalton Warner Davis LLP dated 15.11.11 Detailing Use of Translucent Fishing Wire Proposed, 0.5mm Diameter; Site 1 Alverstone Avenue 1:200 @ A4 plan; Site 1 Alverstone Avenue 1:500 @ A4 plan; Site 1 Alverstone Avenue Photo with Poles Superimposed; Site 2 Russell Lane 1:200 @ A4 plan; Site 2 Russell Lane 1:500 @ A4 plan; Site 2 Russell Lane Photos with Poles Superimposed; Site 3 Beresford Avenue 1:200 @ A4 plan; Site 3 Beresford Avenue 1:500 @ A4 plan; Site 3 Beresford Avenue Photos with Poles Superimposed; Site 4 Oakleigh Road North 1:200 @ A4 rev A; Site 4 Oakleigh Road North Photos with Poles Superimposed; Site 5 Friern Barnet Road 1:200 @ A4 plan; Site 5 Friern Barnet Road Photos with Poles Superimposed; Site 6 New Southgate Station 1:200 @ A4 plan; Site 6 New Southgate Station Photo with Leci Superimposed; Site 7 Pinkham Way A406 1:200 @ A4 plan; Site 7 Pinkham Way A406 Photo with Leci Superimposed; Site 8 Pegasus Way over A406 1:200 @ A4 plan; Site 8 Pegasus Way Photo with Poles Superimposed; Site 9 A406 Footbridge Atlas Road 1:500 @ A4 plan; Site 9 A406 Footbridge Atlas Road Photo with Poles Superimposed; Site 10 Colney Hatch Lane over A406 1:200 @ A4 plan; Site 10 Colney Hatch Lane over A406 Photo with Poles Superimposed; Site 10A Colney Hatch Lane over A406 Footbridge 1:200 @ A4 plan; Site 10A Colney Hatch Lane over A406 Footbridge 1:500 @ A4 plan; Site 10A Colney Hatch Lane over A406 Footbridge Photo with Poles Superimposed; Site 11 Coppetts Close Footbridge Over A406 1:200 @ A4 plan; Site 11 Coppetts Close Footbridge Over A406 1:500 @ A4 plan; Site 11 Coppetts Close Footbridge Over A406 Photo with Poles Superimposed; Site 12 High Road A1000 Over A406 1:200 @ A4 plan; Site 12 High Road A1000 Over A406 1:500 @ A4 plan; Site 12 High Road A1000 Over A406 Photo with Poles Superimposed; Site 13 Footbridge over A406 Abingdon Road 1:200 @ A4 plan; Site 13 Footbridge over A406 Abingdon Road Photo with Poles Superimposed; Site 14 Long Lane Under A406 1:200 @ A4 plan; Site 14 Long Lane Under A406 Photos with Lecis Superimposed; Site 18 Partingdale Lane 1:200 @ A4 plan; Site 18 Partingdale Lane Photo with Poles Superimposed; Site 19A Chantonbury Way (rear of no 164) 1:200 @ A4 plan; Site 19A Chantonbury Way (rear of no 164) Photo with 'Rustic' Gateway Superimposed; Site 0 Southover 1:200 @ A4 plan; Site 0 Southover Photo with Poles Superimposed; Site 20 Michelham Down FP 1:200 @ A4 plan; Site 20 Michelham Down FP Photo with Poles Superimposed; Site 21 Laurel Farm House FP 1:200 @ A4 plan; Site 21 Laurel Farm House FP Photo with 'Rustic' Gateway Superimposed; Site 22A Totteridge Village 1:200 @ A4 plan; Site 22A Totteridge Village 1:500 @ A4 plan; Site 22A Totteridge Village Photo with Poles Superimposed; Site 22 Totteridge Village/ Northcliffe Drive 1:200 @ A4 plan; Site 22

Totteridge Village/ Northcliffe Drive Photo with Poles Superimposed; Site 25 Totteridge Lane (no 94) 1:200 @ A4 plan; Site 25 Totteridge Lane (no 94) Photo with Poles Superimposed; Site 26 Oak Tree Drive/ Great Bushey Drive 1:200 @ A4 plan; Site 26 Oak Tree Drive/ Great Bushey Drive Photos with Poles Superimposed; Site 27 Totteridge lane (no 84) 1:200 @ A4 plan; Site 27 Totteridge lane (no 84) Photos with Poles Superimposed; Sites 28-30 Totteridge Lane/ Dollis Brook OS 1:500 @ A4 plan; Sites 28-30 Totteridge Lane/ Dollis Brook OS Photos with Poles Superimposed; Site 31 Brook Farm OS 1:200 @ A4 plan; Site 31 Brook Farm OS Photos with Poles Superimposed; Site 32 High Road A1000 1:200 @ A4 plan; Site 32 High Road A1000 Photos with Poles Superimposed; Site 33 Netherlands Road 1:200 @ A4 plan; Site 33 Netherlands Road 1:500 @ A4 plan; Site 33 Netherlands Road Photo with Poles Superimposed; Site 34 Stevenson Close 1:200 @ A4 plan; Site 34 Stevenson Close Photo with Poles Superimposed.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

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

3. No site works in connection with the development hereby approved shall commence until a Detailed Arboricultural Method Statement, in accordance with the recommendations of the Arboricultural Implications Assessment Tree Protection Plan dated November 2010, has been submitted to, and approved in writing, to the Local Planning Authority. All tree works shall be carried out in full accordance with the approved specification and the BS3998: 2010 Recommendation for Tree Works (or as amended).

Reason:

To protect the character and appearance of the area and safeguard the health of existing trees which represent an important amenity feature.

4. The development hereby permitted shall not begin until details of the external colour of the poles have been submitted to and approved by the Local Planning Authority.

Reason:

To safeguard the appearance of the locations.

5. On installation of the approved poles at sites 0, 27 and 31, bat boxes shall be provided at these sites in accordance with the recommendations of the Ecological Assessment prepared by Bioscan dated 5.4.11, and the e-mail from Nina Jones of Dalton Warner Davis LLP dated 19.4.12. The bat boxes shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

To contribute to the biodiversity of the area, in accordance with Barnet's Development Management Policy DM16.

6. With reference to the pole and wire 'gateways' hereby approved at sites 22 and 22A, only one or the other may be constructed, not both.

Reason:

To protect the character and appearance of this part of the Totteridge Conservation Area.

7. A Construction and Maintenance Strategy, for works hereby approved to the Transport for London Road Network public highway, shall be submitted to and approved by the Local Planning Authority, in consultation with Transport for London, prior to construction work commencing on site. The Strategy shall include details on how the Eruv structure (poles, wire, Leci) would be properly constructed and maintained in a safe manner, which would not compromise the smooth and safe flow of pedestrians and traffic on the TLRN public highway.

Reason:

To ensure that disruption to pedestrians and traffic on the TLRN road network would be kept to a minimum.

8. Details of the design and materials to be used for the proposed Eruv structures on the TLRN network must be submitted to, and approved by, the Local Planning Authority, in consultation with Transport for London, prior to work commencing on site.

Reason:

To ensure a safe and satisfactory appearance of development on the Transport for London Road Network.

9. The poles hereby approved at site 3, land rear of 47 and 49 Beresford Avenue, shall be treated upon installation with anti climb paint 2m above adjoining ground level. The anti climb paint shall be retained and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason:

In the interest of maintaining the security of the adjacent residential properties.

10. The wire to be used at gateways 31 and 0 shall be 10mm diameter and shall be permanently maintained at that diameter throughout the life of the Eruv.

Reason:

In the interest of nature conservation.

INFORMATIVE(S):

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in National Planning Policy Framework (NPPF) 2012 The Mayor's London Plan July 2011 and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:

The Mayor's London Plan (2011)

Policy 3.1 Ensuring Equal Life Chances for All
Policy 3.16 Protection and Enhancement of Social Infrastructure
Policy 6.10 Walking
Policy 7.1 Building London's Neighbourhoods and Communities
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.8 Heritage Assets and Archaeology
Policy 7.16 Green Belt
Policy 7.17 Metropolitan Open Land
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodlands

Adopted Barnet Unitary Development Plan (2006):

GBEnv1 Character
GBEnv2 Design
GBEnv4 Special Area
GBEnv5 Accessible Environments
D2 Character
D5 Outlook
D9 Designing Out Crime
D12 Tree Preservation Orders
D13 Tree Protection and Enhancement
HC1 Conservation Areas- Preserving or Enhancing
HC5 Areas of Special Character
GGreenBelt
GMOL Metropolitan Open Land
O1 Green Belt/ Metropolitan Open Land
O7 Green Belt/ Metropolitan Open Land- Adjacent Land
O12 Green Chains
O13 Green Chains
L15 Metropolitan Walks
M11 Safety of Road Users
CS1 Community and Religious Facilities

Core Strategy (Submission version) 2011:

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

CS10 Enabling Inclusive and integrated Community Facilities and Uses
 CS12 Making Barnet a Safer Place

Development Management Policies (Submission version)2011:

DM01 Protecting Barnet's Character and Amenity

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM15 Green Belt and Open Spaces

DM16 Biodiversity

DM17 Travel Impact and Parking Standards

ii) The proposal is acceptable for the following reason(s): -

It is considered that the proposed 'gateways', by virtue of their siting and design, would not represent unduly intrusive additions in the street scene and would not result in an over proliferation of street furniture within the various townscapes. The developments proposed at the locations within the Conservation Area would have a neutral impact on its character and appearance. The openness of the Green Belt and/ or Metropolitan Open Land would not be compromised by the 'gateways' proposed.

A summary of the development plan policies relevant to this decision is set out in Tables 1 and 2 below.

Table 1: London Plan (July 2011) Policies

<u>Policy</u>	<u>Key Requirements</u>
3.1 Ensuring Equal Life Chances for All	Proposals should protect and enhance facilities and services that meet the needs of particular groups and services. Loss of such facilities without justification or replacement should be resisted.
3.16 Protection and Enhancement of Social Infrastructure	Proposals that provide high quality social infrastructure will be supported in light of local and strategic needs assessments. Proposals that result in loss of social infrastructure in areas of defined need without re-provision should be resisted. Facilities should be accessible to all members of the community and be located within easy reach by walking, cycling and public transport. Multiple use of premises encouraged where possible.
6.10 Walking	Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2 An Inclusive Environment	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.

<p>7.4 Local Character; 7.5 Public Realm;</p>	<p>Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.</p>
<p>7.8 Heritage Assets and Archaeology</p>	<p>Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. New development should make provision for the protection of archaeological resources, landscapes and significant memorials.</p>
<p>7.16 Green Belt</p>	<p>The strongest protection should be given to the 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 to secure the objectives of improving the green belt as set out in national policy.</p>
<p>7.17 Metropolitan Open Land</p>	<p>The Strongest protection should be given to Metropolitan Open Land. Inappropriate development should be refused except in very special circumstances giving it the same protection as the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable when the openness of the MOL is maintained.</p>
<p>7.19 Biodiversity and Access to Nature</p>	<p>Proposals should:</p> <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. - Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan. - When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest the following hierarchy will apply, avoid adverse impact; minimise impact and seek mitigation; in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.
<p>7.21 Trees and Woodlands</p>	<p>Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.</p>

Table 2: Barnet UDP (May 2006) Saved Policies

<u>Policy</u>	<u>Key Requirements</u>
GBEnv1 Character; GBEnv2 Design; GBEnv3 Safe Environment	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment.
GBEnv4 Special Area	Protect buildings, areas, open spaces and features of special value.
D2 Character	Protect or enhance local character and respect the overall character and quality of the area.
D5 Outlook	Adequate sunlight, daylight, privacy and outlook for adjoining and potential occupiers and users.
D9 Designing Out Crime;	Development designed to reduce crime and fear of crime.
D12 Tree Preservation Orders; D13 Tree Protection and Enhancement	<p>Trees –</p> <ul style="list-style-type: none"> • Make Tree Preservation Orders if appropriate • Retain and protect as many trees as practicable • Ensure appropriate new planting
D15 Other Hedgerows	<p>Hedgerows –</p> <ul style="list-style-type: none"> • Retain and protect hedgerows where practicable • Encourage new hedgerow planting
HC1 Conservation Areas – Preserving or Enhancing	Development must preserve or enhance the character and appearance of conservation areas.
HC5 Areas of Special Character	Development which fails to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character will be refused.
G Green Belt – Green Belt	The Council will safeguard the permanence and integrity of the Green Belt.
G MOL – Metropolitan Open Land	The Council will safeguard the permanence and integrity of the Metropolitan Open Land.
O1 Green Belt/Metropolitan Open Land; O2 Green Belt/Metropolitan Open Land - New Buildings and Uses;	Except in very special circumstances refuse any development in Green Belt not compatible with its purposes and objectives and that would harm visual amenity or not preserve openness.
O7 Green Belt/ Metropolitan Open Land – Adjacent Land	Proposals which would have a detrimental effect on visual amenity or the openness, purposes and objectives of these designated areas will be resisted.
O12 Green Chains; O13 Green Corridors	<p>Green Chains & Green Corridors:</p> <ul style="list-style-type: none"> • Resist proposal which would adversely affect character, function or nature conservation value • Promote missing links • Planning obligations sought to enhance nature conservation value
L15 Metropolitan Walks	Protect Metropolitan Walks.
L19 Sports Grounds and Playing Fields – New Provision	<p>Proposals to provide new or improved sports grounds and playing fields will be acceptable if they:</p> <ul style="list-style-type: none"> • Do not have a demonstrably harmful impact on the amenity of nearby residential properties or other uses; • Do not have a demonstrably harmful impact on the character and appearance of the site and the

	<p>surrounding area;</p> <ul style="list-style-type: none"> • Are designed to be accessible by people with disabilities; • The site is easily accessible by walking, cycling and public transport. 	
M11 Safety of Road Users	The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.	
CS1 Community and Religious Facilities	Community facilities should be appropriately located, not have demonstrably harmful impacts on character and amenity, be designed to be accessible by people with disabilities.	

2. The applicant is advised that any structures to be sited within or project over adopted highway will require licences under the Highways Act in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process.

Please note that licenses under the Highways Act will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner.
3. Any and all works carried out in pursuance of this grant of planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
4. Any ongoing maintenance works to trees in the Conservation Area and/ or protected by a Tree Preservation Order, will require notification/application in accordance with Tree Preservation Legislation.
5. The applicant must obtain the necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other consent(s) under relevant highway and traffic legislations prior to construction work commence on site.
6. The applicant would be fully responsible to maintain the proposed Eruv Poles, wire and leci to be placed on the TLRN public highway at all times.
7. The applicant would be liable for the cost of rectification work to be undertaken to rectify damages caused to the TLRN public highway resulting from construction and maintenance of the proposed Eruv structures.
8. The applicant would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and Leci to be erected on the TLRN public highway.
9. TfL requests that each of the Eruv sites on the TLRN public highway be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commence on site, and should be ready for inspection upon demand by TfL at any time.

10. No construction and maintenance work to the Eruv structures shall be undertaken on the TLRN public highway without prior consent from TfL. The work shall be carried out in full accordance with relevant existing health & safety legislation and rules, as well as direction and guidance provided by TfL.
11. The proposed Eruv poles are to be placed so as to cause minimum impact on the maintenance of any of TfL's structures with a minimum distance of at least 300mm and subject to TfL's approval.
12. TfL reserves the right to revoke consents/ licences, and request the removal of the proposed Eruv structures on the TLRN at any time, if the existence of such structure(s) would be deemed no longer appropriate in the interest and benefit of public, highway operation and road users on the TLRN (e.g. highway maintenance, statutory undertakers' requirement, safety and highway network development).
13. Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
14. In accordance with the general guidance given in the Traffic Signs Regulations and General Directions 2002, the applicant should ensure that structures located at the front of the kerb, on a verge or a footway should be a minimum of 0.45m away from the kerblines on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
15. The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.
16. The footbridge at New Southgate Station is operational land. The installation of two lechi at site 6 would require the consent of Network Rail.
17. The erection and retention of the poles at Site 31, Brook Farm Open Space Bridge Over Northern Line, will require the applicant to enter into a lease with London Underground Limited. The creation of the lease and the sum required for the period of the lease will be payable by the applicant. London Underground Limited will be involved in the erection of the poles and their maintenance and this will be chargeable to the applicant.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF)

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document has replaced all PPGs and PPSs and condenses national guidance into a 50 page document as part of the reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The key theme of the new guidance is that Local Planning Authorities should approach applications with a presumption in favour of sustainable development.

The 3 identified dimensions to sustainable development are: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including a social role. This is defined as: 'supporting strong, vibrant and healthy communities with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

One of the 12 identified core land use planning principles that should underpin both plan making and decision taking, states that planning should 'take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

The NPPF identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions should aim to achieve places which promote (inter alia) 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'. Planning policies and decisions should 'plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

The Mayor's London Plan: July 2011

The replacement London Plan was published in July 2011 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan provides strategic planning policy for all London Boroughs for the period up to 2031. The following policies in the London Plan are relevant to this application:

Policy 3.1 Ensuring Equal Life Chances for All
Policy 3.16 Protection and Enhancement of Social Infrastructure
Policy 6.10 Walking
Policy 7.1 Building London's Neighbourhoods and Communities
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.8 Heritage Assets and Archaeology
Policy 7.16 Green Belt
Policy 7.17 Metropolitan Open Land
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodlands

Relevant Planning Policy Framework:

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case:

GBEnv1 Character
GBEnv2 Design
GBEnv4 Special Area
GBEnv3 Safe Environments
D2 Character
D5 Outlook
D9 Designing Out Crime
D12 Tree Preservation Orders
D13 Tree Protection and Enhancement
D15 Other Hedgerows
HC1 Conservation Areas- Preserving or Enhancing
HC5 Areas of Special Character
GGreenBelt
GMOL Metropolitan Open Land
O1 Green Belt/ Metropolitan Open Land
O7 Green Belt/ Metropolitan Open Land- Adjacent Land
O12 Green Chains
O13 Green Chains
L15 Metropolitan Walks
M11 Safety of Road Users
CS1 Community and Religious Facilities
Totteridge Conservation Area Appraisal Statement dated

Core Strategy (Adopted) 2012

Development Management Policies (Adopted) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the Unitary Development Plan (UDP) remain. The Core Strategy and Development Management Policies DPD will replace these 183 policies.

THE Core Strategy was adopted by the Council on 11 September 2012. It is now subject to 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

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
CS10 Enabling Inclusive and integrated Community Facilities and Uses
CS12 Making Barnet a Safer Place

The Development Management Policies document provides the Borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies were adopted by the Council on 11 September 2012. It is now subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216 sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity
DM03 Accessibility and Inclusive Design
DM06 Heritage and Conservation
DM15 Green Belt and Open Spaces
DM16 Biodiversity
DM17 Travel Impact and Parking Standards

Relevant Planning History:

H/01834/10: Mill Hill Eruv, 19 Sites in the Mill Hill Area. Approved 6.7.10

H/00921/09: 9 sites around the Edgware Area to Complete the Stanmore/ Canons Park Eruv. Approved 25.6.09

W13797: Edgware Area Eruv. Approved 24.11.04

Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv) Planning History

Eruv1

Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Refused 24/02/1993.

Eruv2

Installation of street furniture (comprising groups of poles connected by thin high level wire) to complete the identification of the perimeter of a defined Eruv. Refused 27/10/1993.

An appeal against the refusal of planning permission Eruv1 and Eruv2 was heard at a Public Inquiry in December 1993. On 20 September 1994 the Secretary of State for the Environment allowed the appeal and granted planning permission subject to conditions.

Eruv 3 and 4

Erection of street furniture comprising groups of poles (usually 2) between which is suspended at high level a wire to designate the perimeter of a nominated Eruv. Approved 08/01/1997 and 7/7/1998.

Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community.

Two rounds of consultations have been undertaken, the first round comprised the standard planning consultation letter and some 125 replies were received.

A further round of consultation was then undertaken which specifically drew attention to the potential equalities impacts of the application and the provisions of the Equality Act 2010. As part of this consultative process consultees were requested to complete a questionnaire to provide information in respect of protected characteristics as defined in the Equality Act 2010 so that these factors could be taken into consideration when the LPA is determining the application.

This section of the report summarises the responses to both rounds of consultation.

First Consultation Round

Neighbours Consulted:	1531	Replies:	125
Neighbours Wishing To Speak:	12		

61 letters of objection have been received. The objections may be summarised as follows (the number in brackets represents the number of occasions that particular comment was raised):

(1) The objection letters contained some 278 comments which suggested that overall from reading the objection letters and consultation responses it is clear there is a widely held and strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv. Consultees expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (55)
2. The potential imposition of religious symbols/designation on members of other faith groups and secular persons. (73)
3. Ecological concerns particularly about trees and bats. (22)
4. The visual impact on the street scene from having more street furniture especially in the conservation area (83) of which 14 were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles. (8)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion (37)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (5)
- The potential cost to the Council (3)
- Eruvim already exist elsewhere in the borough and neighbouring authorities (14)

- The extent of the consultation was inadequate (6)

As a result of the public consultation process 31 letters in support of the application were received.

The comments received in support of the application may be summarised as follows (the number of brackets represents the number of occasions that particular comment was raised):-

- It will benefit the elderly, disabled and those of limited mobility who would be able to use aids such as wheelchairs, walking sticks, zimmer frames on the Sabbath to enable them to visit the synagogue. (15)
- It will benefit young children and families with young children who would be able to use pushchairs on the Sabbath to enable them to visit the synagogue for worship. (17)
- It will improve the quality of life for those members of the Jewish community who are currently affected by the absence of an Eruv. (17)
- It will not cause any problems to anyone. (12)
- There are other Eruvim in the borough and the concerns raised at the time of their consideration have not come to fruition. (11)
- It will discourage existing residents from moving away – putting Woodside Park Synagogue on a level playing field with many other communities that have Eruvim (“Eruv” plural) in place, such as Golders Green, Hendon and Edgware. (4)
- It will provide an incentive for new families to move into the Woodside Park, Totteridge, Whetstone and West Finchley areas which is vital for the long-term sustainability and renewal of the Jewish community in these places. (3)
- It will join up with other Jewish communities in Barnet, and beyond, allowing people to benefit from a wider network of Eruvim. (4)
- Would not disturb existing street furniture. (1)
- Existing Eruvim are relatively inconspicuous and the proposal will be harmless and inoffensive. (9)
- No planning disadvantages arise from the proposal. (1)

Internal /Other Consultations:

- Traffic & Development - raise no objections subject to informatives
- RSPB London Office - No reply received.
- Natural England - no objections subject to the Detailed Arboricultural Method Statement being adhered to and the use of thick gauge wire in appropriate locations where bats have been identified. Natural England welcomes the addition of well placed bat boxes.
- Environment Agency - No comments to make in regards to this application.
- Metropolitan Police Service (H) - No reply received.
- EDF - No reply received.
- Street Lighting - No reply received.

- Green Spaces (inc Allotments) - No reply received.
- Environment & Transport, Green Spaces - No reply received.
- Railtrack Property - No reply received.
- Railtrack PLC - No reply received.
- RSPB - North West London Group - No reply received.
- Transport for London - No objections in principle but advise that the applicants will need to obtain the necessary licences and agreements from TfL in respect of locations under their control.
- EDF Energy Network - No reply received.
- EDF Energy - No reply received.
- Brook Farm Allotments and Horticultural Society - No reply received.
- Totteridge Residents Assoc. - No reply received.
- Mill Hill Residents Association - No reply received.
- Partingdale Lane Residents Association - No reply received.
- Woodside Pk Gardens Suburb RA - No reply received.
- London Wildlife Trust Barnet Group - object on the grounds that the proposed wire may be harmful to bats, if it is then the applicants may be liable for prosecution under the appropriate legislation. The Local Planning Authority has a duty to ensure that the EU directive on bats is upheld. Particular concerns re the following sites 19a, 21, 27, 28-30 and 31. Totteridge is an environmental conservation area with ponds, SSI's and The Darlands all within green belt. Introducing an undetectable wire into flight paths will have a detrimental impact on wildlife.
- Network Rail - No reply received.
- Mill Hill Preservation Society - No reply received.
- Network Rail -Infrastructure Protection - No reply received.
- London Underground - Infrastructure Protection - The erection and retention of the poles on LUL land will require the applicant entering into a lease with LUL.
- Trees and Landscaping- no objection subject to conditions and informatives
- Coppetts Wood Conservationists – object to the proposal in respect of sites 8,9,10, 10a, 11 and 12 on grounds of potential damage to Bats and birdlife. Suggest alternative sites or the use of thicker high visibility wire.
- Access in Barnet - No objection in principle but it needs to be ensured that poles do not narrow any pathway.
- The Totteridge Conservation Area Advisory Committee Any increase in street furniture and hence visual clutter within the conservation area, unless required by law, or clearly in the interests of *all* residents, would be inappropriate and should be resisted. Also the proposal to prune trees and shrubs to accommodate the poles and wire is unacceptable as this would adversely impact on this part of the Conservation Area.
- Councillor Brian Coleman has written in support of the application stating:-

"I fully support the request by the Trustees of Woodside Park Synagogue to establish an Eruv for the four square mile area encompassing Whetstone, Oakleigh

Park, Totteridge and parts of Finchley. It is my belief that granting the Eruv will not cause any negative effects for the wider population within the designated boundary, and would significantly improve the lives of my orthodox Jewish residents.

Barnet has an established history in granting such applications, as demonstrated when the Council approved the UK's first and largest eruv that covered Hendon, Hampstead Garden Suburb and Golders Green. A second was created in Edgware in 2006, and a third approved in 2010, which received 400 letters of support from residents. All of these previous Eruv were extensively consulted on, and been subject to a public enquiry, which resulted in the then Secretary of State ruling in favour of granting the Eruv. The previous cases are particularly useful to cite, as the areas were similar in character to this current application.

The borough's UDP policy reflect a positive view in regard to religious and community developments. Specifically policy GCS1 (Community facilities) states "The council will seek to ensure that an adequate supply of land and buildings is available for community, religious, education, health and social care facilities in order to meet the needs of residents". In addition paragraph 9.3.1.2 states "the council recognises that there is a need for a range of community and religious facilities in Barnet to support the requirements of different ethnic, religious, social and interest groups in the borough. The council will monitor and review provision of community and religious facilities in the borough, and will encourage proposals for such facilities that meet identified need". I would argue that this application identifies a clear need, and more than meets that need."

- The Council of Christians and Jews-see the allowing of Eruvim as part of the wider community's embrace and engagement with minority groups. The Eruv allows members of the Jewish community with poor mobility, for e.g. mothers with babies, people with disabilities and the elderly, greater access and mobility to attend their place of worship on the Sabbath.
- The Board of Deputies of British Jews [THE BOD] - has written in support of the application. It highlights the benefits of the Eruv to the Jewish Community and notes that concerns about the impact on the character and appearance of an area as well as the diversity of an area encompassed by an Eruv have not materialised in the existing Eruvim within the Borough, no concerns have been raised in meetings with other faith groups, the Eruv equipment is not identifiable as Jewish symbols, the best case for the Eruv is the successful operation of similar schemes elsewhere (a fuller summary is included as an appendix).

The Second Round of Consultation (on equalities impacts)

The results of the second round of consultation in which neighbouring residents were reconsulted can be summarised as follows:

In response to the questionnaire, of the 99 questionnaires returned 52 objected to the proposed, 42 were in support and 5 made no comments.

In addition to the questionnaires a further 7 letters of objection were received and these comments are also included in the following summary:-

- (1) The objection letters and questionnaires contained some 100 comments which reinforced some of the objections in the first round of consultation, that there is

a widely held and strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv. Once again objections expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (12)
2. The potential imposition of religious symbols/designation on non-believers. (16)
3. Ecological concerns about trees and bats in particular. (9)
4. The visual impact on the street scene from having more street furniture especially in the conservation area (44) of which 4 were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles etc. (5)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion. (14)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (2)
- The potential cost to the Council (1)
- The extent of the consultation was inadequate (3)
- The proposed Eruv is unnecessary and will only benefit a small proportion of the population (14)

The comments in support of the application may be summarised as follows:

- It will benefit the elderly, disabled and those of limited mobility who would be able to use aids such as wheelchairs, walking sticks, zimmer frames on the Sabbath to enable them to visit the synagogue. (22)
- It will benefit young children and families with young children who would be able to use pushchairs on the Sabbath to enable them to visit the synagogue for worship. (19)
- It improves the quality of life for those members of the Jewish community who are currently affected by the absence of an Eruv. (9)
- It will not cause any problems to anyone. (10)
- There are other Eruvim in the borough and the concerns raised at the time of their consideration have not come to fruition. (4)
- It will discourage existing residents from moving away – putting Woodside Park Synagogue on a level playing field with many other communities that have Eruvim (“Eruv” plural) in place, such as Golders Green, Hendon and

Edgware. (1)

- It would be of little impact on the majority of the community but greatly benefit the minority. (3)
- Beneficial to all the community being inclusive and promoting equality. (5)
- Will enable the carrying of medication on the Sabbath. (2)

Date of Site Notice: 15 September 2011 and 15 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The proposed Eruv would include areas of Friern Barnet, Finchley Central, North Finchley, Woodside Park, Totteridge, Whetstone and Oakleigh Park. The perimeter of the Eruv will abut the North West London Eruv on its eastern boundary, the proposed Barnet Eruv along its Northern boundary and the approved Mill Hill Eruv on its west boundary.

Proposal:

An Eruv is a continuous boundary designated in accordance with Jewish Law. Whilst Jewish Law prohibits Orthodox Jews from carrying on the Sabbath, carrying is permitted within the defined boundary of an Eruv, as is the use of pushchairs, wheelchairs etc.

The Eruv boundary is formed by utilizing continuous local features such as fences or walls alongside roads, railways or terraced buildings. However, where this continuity is not possible due to breaks in the boundary, e.g. roads, then this breach must be integrated by the erection of a notional 'gateway'. Such a gateway consists of posts or poles linked on top by a wire or cross bar crossing the highway.

Two established Eruvs in the borough currently exist: The Edgware Eruv and the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv).

At all sites, common with the established Eruvim in the borough, it is intended that the poles will be erected flush (within 20cm) with wall or fence boundaries. The posts, which would have a dimension of 76mm, would be painted in a colour that best blends with the surroundings. 6m tall poles and wire gateways would be installed at 18 sites, 5m tall poles and wire gateways would be installed at 1 site, 3.5m tall poles and wire gateways would be installed at 6 sites and 3m tall 'rustic gateways' (consisting 2 hardwood uprights and a hardwood cross beam) would be installed at 2 sites. In total, 40, 6m high poles; 2, 5m poles; 12, 3.5m poles and 4 'rustic gateway' uprights are proposed. The connecting wire would be translucent and 0.5mm in diameter, however at sites "0" Southover and "31" Brook Farm Open Space the wire diameter would be 10mm.

Where available an existing structure, e.g. bridges, over the roadway can be used in order to close a gap in the boundary. In these instances a small pole constructed out of mild steel in the form of a box section (1m in height, with a depth of width of 5mm) would act as a small symbolic doorpost attached to the side of the bridge or other structure. The leci would be screwed or otherwise attached to the vertical surface. Leci are proposed at 3 locations.

Highways Licence

The erection of the 'gateways' on the highway would require a licence under the Highways Act. It would be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted.

The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security, technical specification (including colour of poles and type of wire) etc.

The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

Planning Considerations:

The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.

Policy support for the principle of the proposal is found at UDP policies GCS1 and CS1 which seek to promote the provision of community and religious facilities to meet the needs of the borough's residents. Policy CS10 of the Adopted Core Strategy seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. Policy DM13 in respect of community uses seeks to ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties. Depending on the location of the proposed Eruv equipment different policies will apply. The policies in respect of Character, Design, Road Safety will apply almost universally, more specific policies such as those relating to conservation areas will depend on the precise location of the equipment.

Each of the proposed locations is dealt with individually below.

Site 1: East end of pedestrian bridge over railway, to the rear of 104-106 Alverstone Avenue, EN4 8EE (2 x 3.5m high poles and connecting wire)

The poles would be sited abutting the metal palisade fencing at the east end 'entrance' to the bridge over the railway line, accessed via a pedestrian footpath from Alverstone Avenue. The poles would be sited either side of the footpath and would be opposite an existing lamp post.

The siting of the proposed poles would be acceptable and would not impact on the character and appearance of the footpath, nor would they obstruct the public highway. Further the 3.5m high poles, with wire span of approx 2m, would not represent an undue visual intrusion to users of the path.

Site Specific Comments Received

- Visually obtrusive to neighbouring residents

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The fact that the poles can be seen does not automatically mean that they are unacceptable. The street scene will not be adversely affected.

Site 2 Adjacent to 1 Beresford Avenue N20 0AD and the Electricity Sub Station adjoining the Petrol Filling Station, Russell Lane (2 x 6m high poles and connecting wire)

One of the poles would be sited on the north side of Russell Lane, adjoining the electricity sub station site to the west of The Cavalier Public House. The 2nd pole would be sited on the south side of Russell Lane abutting the flank garden boundary of no.1 Beresford Avenue.

The poles would be viewed against the backdrop of existing lamp posts 8m in height, bus stop, and street and commercial signage. Whilst there is currently other street furniture in the locality, it is considered that this location could accommodate 2 additional poles without detriment to the appearance of the street scene.

Site Specific Comments Received

- Extremely dangerous to traffic, unsightly and unattractive

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The poles would be 6m in height and would not impede any vehicles. Their siting would not interfere with visibility splays, sight line nor impede the public use of the highway. They are not considered to be visually obtrusive.

Site 3: Land rear of 47 and 49 Beresford Avenue N20 0AD (2 x 6m high poles with connecting wire)

The poles would be sited on the rear access way that serves properties in both Beresford and Weirdale Avenue. The poles have been sited to ensure that vehicular access to the properties would not be affected. It is considered that the introduction of the poles in this location, which would be viewed against the green backdrop of trees, shrubs and ivy on and abutting the access way, would not detract from the visual amenities of the neighbouring residents.

To ensure that the installation of the poles would not give rise to a risk of reduction in security, the poles will be treated using anti-climb paint above 2m in height and an appropriate condition is recommended.

Site Specific Comments Received

- The alley behind nos. 38/ 40/ 42/ 44 Weirdale Ave is in constant vehicular use
- No 49 Beresford Ave has never had any official vehicular access to the rear of their property
- Provided the Eruv poles are placed exactly as illustrated I will still be able to get my car into and out of my property and have no objection to the planning application. No alteration whatsoever may be made to the siting as I have a long car and my turning position at the crossroads must not be compromised.

Site 4: Bridge over railway Oakleigh Road South and junction with Beaconsfield Road N11 (2 x 6m high poles with connecting wires)

One pole would be sited on the north side of Oakleigh Road North at the commencement of the bridge over the railway line with the second pole sited on the east side of Beaconsfield Road at the junction with Oakleigh Road North. The pole would be sited to ensure that the existing road signage is not obscured.

2 additional poles could be accommodated in this location without detriment to the street scene. The siting of the poles would not harm the visual amenities currently enjoyed by nearby residents.

Site Specific Comments Received

- A dangerous road for traffic

Comments on Grounds of objection Not Addressed in the Appraisal Above

The poles would be 6m in height and would not impede any vehicles. Their siting would not interfere with visibility splays or sight line.

Site 5: Railway Bridge Friern Barnet Road close to the junction with Station Road, N11 1ND (2 x 6m high poles with connecting wires)

Two 6m high poles with connecting wire would be sited on the north and south side of the road where it crosses the railway line. The pole to the south side would be sited behind the "Welcome to Barnet" sign. The pole to the north side would be sited to the east of the road traffic sign and would not obscure it from the view of oncoming traffic.

Whilst there are already a number of traffic signs and other street furniture in this part of Friern Barnet Road it is considered, due to the careful siting of the poles, that they can be accommodated without detriment to the appearance of the street scene.

Site Specific Comments Received

- A dangerous road with lots of traffic. Why do people want to walk here?

Comments on Grounds of objection Not Addressed in the Appraisal Above

The poles siting, which would be subject to licence under the Highways Act, would not interfere with visibility splays or sight line. The footfall on the existing busy pedestrian route would not be materially altered. The Eruv cannot function as intended unless it forms a contiguous boundary so in certain cases it needs to be sited in a particular place to provide that contiguous boundary.

Site 6: Footbridge at New Southgate Station (2 x 1m high leci)

The borough boundary between Barnet and Enfield bisects the railway line on a north south axis. Whilst the actual Station is within the London Borough of Enfield, the west side of the footbridge is within the London Borough of Barnet.

The footbridge is operational land and the consent of Network Rail would be required.

The introduction of 2 lecis to either side of the footbridge would be acceptable. The 1m high lecis would have a depth and width of 5mm. They would be sited beneath the top projecting 'lip' of the bridge enclosure and would not represent a danger to the visually impaired or any other users of the bridge.

Sites 7, 9, 11 and 13

These sites are located on the Transport for London Road Network (TLRN) for which Transport for London (TfL) is the statutory highway authority.

TfL has confirmed that it has no objection to the proposals in principal subject to recommended conditions being met in full. It is recommended that TfL's conditions be attached as conditions or informatives if planning permission is granted.

The sites are addressed in the individual appraisals below.

Site 7: Under the Railway bridge at Pinkham Way A406 (1 no., 1m high leci)

The land to the west side of the railway line above is within the London Borough of Barnet.

1 lecis proposed on the south side of the North Circular Road under the railway bridge.

The lecis would have a depth of 5mm and a safe pavement width would remain.

Site Specific Comments Received

- No one is going to walk down the A406. Poles would be a danger to busy traffic as well as unsightly.
- Given the size and siting of the lecis it would not be obtrusive in the street scene.

Comments on Grounds of objection Not Addressed in the Appraisal Above

Given their size and siting, the lechs would not be obtrusive in the street scene.

The lecis are subject to the grant of a licence. TfL have thus far raised no objection to the siting of the lecis, subject to the inclusion of the recommended conditions and informatives.

Site 8: North Side of Bridge over Pinkham Way A406, Pegasus Way N11 3PW (2 x 6m high poles with connecting wires)

The two 6m high poles with connecting wire would be sited on Pegasus Way on the north side of the North Circular Road.

The poles would abut the approx 4m high brick features on either side of the road over the North Circular.

The poles would be viewed against the backdrop of the brick walls and could be accommodated without harm.

Site 9: Footbridge at Atlas Road adjoining the A406 (3 sets of 2 no x 6m high poles with connecting wires)

The poles would be sited at the base of the 3 separate access routes available to pedestrians using the foot bridge over the North Circular Road. The introduction of the poles would not impact on the appearance of this trunk road. Further the open space to the rear is sited above a steep bank. The poles, which would be lower in height than the existing adjoining light columns which are 10m in height, would not detract from the character of the area.

Site 10: North Side of Bridge over A406, Colney Hatch Lane N11 (2 x 6m high poles with connecting wires)

The two 6m poles with connecting wire would be sited to the east and west side of Colney Hatch Lane, on the north side of the North Circular Road.

This location is characterised by existing traffic signals, directional signs and lamp posts 10m in height. The introduction of 2 additional poles in this location would not detract further from the busy street scene. Traffic signage and/ or signals would not be obscured.

Site 10A: North Side of Colney Hatch Lane Footbridge over A406 (1 x 6m high pole with connecting wire)

The single pole would be sited approx 13m from the pole proposed on the west side of Colney Hatch Lane (see above) with a connecting wire. The pole would abut the bridge railings.

As per site 10, it is considered that the introduction of an additional pole in this location would not detract further from the street scene. Traffic signage and/ or signals would not be obscured.

Site 11: Footbridge over A406 near Coppetts Close N12 0AG (2 x 3.5m high poles with connecting wire)

The 3.5m high poles would be sited approx 6m from the entrance to the pedestrian footpath which leads to the footbridge over the North Circular Road and approx 15m from the nearest residential property at Coppetts Close.

The poles, sited outside of the pedestrian railings enclosing the footbridge, would not be visually intrusive nor out of keeping in this location.

Site 12: Bridge Over A406 at High Road N3 2AX (2 x 6m high poles with connecting wire)

Two 6m high poles with connecting wire sited on the east and west side of the High Road where the road bridges over the NCR.

This is a busy location in terms of street furniture, with existing lamp posts 10m in height, a phone mast, traffic signals, road signage and bus shelters all in close proximity.

The road has 4 traffic lanes with a central island at this location. In this spacious setting it is considered that 2 additional poles could be accommodated without causing demonstrable harm to the appearance of the street scene.

Site 13: North Side of Footbridge over A406, Abingdon Road N3 (2 x 5m high poles with connecting wire)

The poles would be sited at the base of the stepped and ramped access routes available to pedestrians using the foot bridge over the North Circular Road. The introduction of the poles would not impact on the appearance of this trunk road nor impede or inconvenience users of the footbridge.

Site 14: Long Lane N3 under A406 (2 x 1m high leci)

The 1m high lecis would be sited on either side of the road under the road bridge carrying the NCR traffic. Two existing boxed housing units for electrical equipment (approx 1m in height with a projection of approx 500mm) are sited at the back edge of the pavement under the bridge. The lechis would have a depth of 5mm and would be visually intrusive or harmful to highway safety.

Site 18: Adjacent to Frith Manor Orchard, Partingdale Lane NW7 1NX (2 x 6m high poles with connecting wire)

This location is within the Metropolitan Green Belt.

The pole proposed on the south side of the road would be sited near the existing phone mast and adjacent to the mast's utilities box. On the north side, abutting the boundary with Frith Manor Orchard House, the pole would be sited over 20m from the vehicular access to Firth Manor Orchard House. (The house itself is sited over 30m from the road.) Subject to the roadside verge planting being retained, the outlook from this property would be unharmed. A detailed Arboricultural Method Statement is required via condition to ensure that the hedgerows are protected.

The poles are sited to ensure that the green character and openness of this location is not compromised. Accordingly, having regard to the existing street furniture, it is considered that the introduction of 2 poles, having regard to the existing street furniture, would not detract from either the openness or visual amenity of this part of the Green Belt.

Site 19A: Rear of 164 and 166 Chanctonbury Way N12 7AD (3m high 'rustic' gateway constructed with 2 hardwood uprights with a hardwood beam across the top)

The land to the rear of nos. 164 and 166 Chanctonbury Way is a Site of Borough Importance for Nature Conservation and is within the Metropolitan Open Land designation.

The footpath between nos. 164 and 166 is very narrow. Any further narrowing of this path would not be acceptable and accordingly the 'gateway' is proposed to the rear of 164 at the entry to the open space. The access and enjoyment of users of the open space would not be compromised by the proposal.

The hardwood uprights and lintel, which would have an overall height of 3m and diameter of 18mm, would be viewed against the backdrop of the 2 neighbouring garden fences and would not detract from the green character of the area nor be inappropriate in this sylvan setting.

The Ecological Assessment states that the proposed gateway location would directly impact on ubiquitous woodland species in this location: namely common nettle, cleavers, broad leaved dock and herb Robert. The botanical interest of the area which will be affected is low and the loss of species would have a negligible effect on the ecological interest of the Folly Brook and Darland's Lake Nature Reserve Site of Borough Importance for Nature Conservation. No pruning or root disruption of nearby trees would result. Further no evidence of protected species was found in the vicinity of the proposed gateway location. As access to the site is possible via the alleyway, no ecological damage will ensue from accessing the site.

Site 0: Woodside Park Club Southover N12 7JG (3 x 6m high poles with connecting wire)

3 poles are proposed on the back edge of pavement fronting the Woodside Park Social Club.

This site, which is within Flood Plain Zone 3, is designated Metropolitan Open Land (MOL) and is a Site of Borough Importance for Nature Conservation. The Environment Agency have advised that they have no comments to make on the proposal.

This part of Folly Brook and Darland's Lake Nature Reserve Site of Borough Importance for Nature Conservation adjoins an area characterised by built development fronting the road. There are telegraph poles, together with street lighting columns 8m in height, in the immediate vicinity. When viewed against the backdrop of the existing trees, even in winter, the proposed development would be set in the context of existing vegetation and lighting columns and these features would serve to limit the effect of the proposal.

With regard to the MOL, the development is considered to be small scale, set within the linear built development characteristic of Southover, and would not therefore harm the established character of the open space.

The southernmost pole would be located adjacent to a wire mesh fence on the boundary between the pavement and the woodland edge. The Folly Brook enters a culvert under the road a few meters away. The botanical species which would be directly impacted by the installation of the pole are all common species including dead nettle, dandelion, ivy and cleavers. The pole will push through the upper branches of hedgerow vegetation, although no pruning is required as the upper level of the pole will be higher than the vegetation. As the pole foundation may lie within the root protection area of a nearby group of trees a Detailed Arboricultural Method Statement is required to avoid/minimise root damage (as recommended in the Arboricultural Implications Assessment), and required by condition if planning permission is granted.

The central pole would be sited on grassland. The pole would pass through the canopy of a hawthorn which the Arboricultural Implications Assessment recommends be side pruned to obtain 1m clearance. The pole would not be within the root

protection area of the hawthorn. The Detailed Arboricultural Method Statement would include these works.

The northernmost pole would be sited on bare earth adjacent to the boundary with 5 Southover. There is no botanical interest in this area which would be affected by the pole's siting.

No evidence of any protected species was found in the vicinity of the proposed pole locations. Whilst it is likely that bats may forage along Folly Brook, the Ecological Assessment concludes that no potential roosting sites would be affected by the proposed poles.

Natural England have raised no objections to the planning application, however they do note that the use of a thick gauge wire would provide an 'object' for bats to echo locate and would be a simple precautionary solution. The wire diameter at site 0 would be 10mm.

The National Planning Policy Framework states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Ecological Assessment notes that whilst the impact on the nature reserve site is considered negligible, the provision of a bat box on the southernmost pole would constitute a minor enhancement. A condition is recommended to ensure that the box would be provided in accordance with the Assessment's recommendations.

Site Specific Comments Received

- Unightly in this attractive area and would adversely impact to the church on Longland Drive

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The church at Northiam is sited over 600m from the proposed poles which themselves carry no overt religious symbols or adornments. The church has been consulted and no objection has been received. The poles would not be visually obtrusive to the Church nor would they impede access to the Church.

Site 20: Footpath adjacent to 65 & 67 Michleham Down N12 7JJ (2 x 3.5m high poles with connecting wire)

The 3.5m high poles, connected by wire, would be sited between no.'s 65 and 67 Michleham Down approximately 7.5m from the back edge of footpath. The pole to the north of the footpath has been sited to ensure that the facing flank windows to no. 67 are unaffected by the proposal. The pole to the south would be sited approx 6m forward of the 2 storey side extension to no 65. Whilst the poles would be visible at an oblique angle from the front windows to no 65, it is considered that the poles would not result in a significant diminution of the visual amenities enjoyed by the occupiers of no 65 such as to cause harm or warrant refusal.

The footpath is over 2.5m wide. The introduction of poles 76mm in diameter sited abutting the boundaries with residential neighbours would not restrict access pedestrian access to the parkland to the rear or prejudice pedestrian access across the footpath.

It is considered that the poles could be accommodated without detriment to the amenities of the neighbouring occupiers, the street scene or access to the parkland to the rear.

Site Specific Comments Received

- Object most strongly to the proposal
- Although Jewish consider the proposal has no merit
- Upset that the path next to my house will be defaced
- It will affect the diversity of the area. Woodside Park Synagogue has an ageing congregation

Comments on Grounds of objection Not Addressed in the Appraisal Above

As stated earlier in the report, the proposal would provide a positive benefit to the elderly members of the synagogue.

Sites 21, 22A and 22

These sites fall within the Totteridge Conservation Area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid, in the exercise of planning functions, to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It has been held that preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves the character and appearance unharmed.

It is acknowledged that the introduction of 4 poles, with the required wire span, plus one 'rustic gateway' (comprising hardwood uprights and lintel) would introduce minor visual changes in the Conservation Area and whilst the poles would not positively preserve or enhance the area, it is considered that the poles would leave the character and appearance of the area unharmed.

The sites are addressed in the individual appraisals below.

Site 21: Footpath adjacent to Laurel Farmhouse and Beatrice Court Totteridge Green N20 8PH (3m high 'rustic' gateway constructed with 2 hardwood uprights, diameter 18mm with a hardwood beam across the top, diameter 18mm)

This site is within the Totteridge Conservation Area and group TPOs adjoin the site. The public footpath is a designated Barnet Walk.

Two 3m high hardwood uprights with lintel above are proposed at the entrance to the public footpath. Both the adjoining buildings are included on the Statutory List of Buildings of Special Architectural or Historic Interest (Grade II). Whilst abutting the close boarded fences enclosing the curtilages of these listed buildings, the development would not impact on the setting of the buildings, nor detract from the outlook or amenities currently enjoyed by the occupiers.

The design and materials reflect the wooden gateway feature to Southover on the opposite side of the pond. It is proposed that the gateway be sited at the entrance to the footpath accessible to pedestrians to ensure that it may be sited at the widest point and the width of the footpath available to pedestrians would not be reduced.

It is considered that the proposed 'gateway' would not detract from the character and appearance of this part of the Conservation Area and would leave the character and appearance unharmed.

The development would be sited between 4 and 5m from 2 Yew trees protected by TPO's within the curtilage of Laurel Farmhouse, and 5m from the protected Oak in Beatrice Court. Whilst there is a likelihood of some encroachment within the Root Protection Areas (RPA), the risk of significant damage can be minimised by the use of appropriate techniques which must be set out in the Detailed Arboricultural Method Statement. This will be required to be submitted and agreed prior to work commencing. An appropriate condition is recommended.

Site Specific Comments Received

- How could anyone want to spoil Totteridge Green with a 3m high gateway?
- The proposal would detrimentally impact the Church on Totteridge Lane.

Comments on Grounds of objection Not Addressed in the Appraisal Above

The proposed gateway would be sited over 850m (as the crow flies) from St Andrew's Church, the setting and character of which would not be affected by the proposal.

No response to consultation has been made on behalf of St Andrew's Church.

Site 22A: Fronting Eagle House 42 Totteridge Village N20 8PR and Stonehaven 31 Totteridge Village N20 8PN (2 x 6m high poles with connecting wire) Proposal

This site is within the Totteridge Conservation Area.

The following is an extract from the Totteridge Conservation Area Character Appraisal Statement:

“St. Andrews Church, rebuilt in 1790, is a key building and landmark. The church yard, ancient yew tree, plain fencing together with lychgate and small green with war memorial provide a picturesque setting for the church.” The Church is also referred to in the appraisal statement as a key location, focal point and landmark.

Two 6m poles and connecting wire are proposed. The wire would over sail Totteridge Manor Association land. The pole on the north east side of the road would be sited on the back edge of the grass verge fronting the south west corner of Eagle House which is sited approx 8m from the boundary. There are a number of trees within the curtilage of Eagle House including evergreens. The trees are approx 6-7m in height and the pole's position would be outside of the Root Protection Areas.

The pole on the south west side of the road would abut the close boarded fence fronting Stonehaven, 31 Totteridge Village. The pole would be located at a centre point between the trees within the curtilage of Stonehaven. The trees are between approx 5-6m in height and the pole's position would be outside of the Root Protection Areas. The pole would be sited approx 18m from the facing flank elevation of the house.

In view of the presence of the trees and the siting and orientation of both Eagle House and Stonehaven, it is considered that the visual amenities currently enjoyed by the occupiers would not be compromised by the development.

Site Specific Comments Received

- Poles and wiring adjacent to St Andrew's Church will detract from a beautiful and historic site and be insensitive.
- Poles would be higher and out of keeping with the lamp posts in this area where limiting the height to 5.5m has helped to conserve the rural aspect.
- Site is in the heart of the Conservation Area and should not be cluttered with unnecessary street furniture which will do nothing to conserve or enhance the area.
- Use of land that the TMA have sought to protect from any development is crass.
- Understand that wires associated with an Eruv have caused injury to bats. Bats inhabit the Totteridge area and nothing should be installed that could harm these particularly vulnerable creatures.
- Object to the noise and disturbance resulting from installation.
- Potential traffic hazard.
- No benefit to the wider community to balance the disadvantages of the installation.
- The beneficiaries will represent a tiny proportion of the local population eyesore, create additional street clutter when it is neither necessary or appropriate.
- Proposed pole exposed and exceptionally obtrusive.
- Will create additional clutter.
- St Andrews church is Grade II Listed.
- Will reduce width of footpath used by mothers & young children with pushchairs making it dangerous to users.
- Parishioners of the Church will be required to pass through the Eruv. Offensive and contentious.

Comments on Grounds of objection Not Addressed in the Appraisal Above

St Andrew's Church, the Church yard and its setting have the appearance of a quintessential English village church. There is no existing street furniture fronting the Church, nor are there any plans to introduce such additions as lamp posts in this location. It is considered that the pole proposed approx 20m's from the church yard would not detract from this important Listed Building and its setting, and the character of this important site in the Conservation Area would be preserved.

The poles would be 1m higher than existing lamp posts, however their greater height would have a negligible impact.

Site 22: Fronting Cardinals, 23 Totteridge Village N20 8PN and adjacent to Normandy, 1 Northcliffe Drive N20 8JX, fronting Totteridge Village (3 x 6m high poles with connecting wire)

This additional gateway site is an alternative to Site 22A. If planning permission is granted the recommended condition stipulates that only one or the other could be constructed.

The site does not require any detailed approval from the Totteridge Manor Association, whose land Site 22A the wire crosses over, and bearing in mind the

third party comments about proximity of site 22A to St Andrew's Church, the poles would be over 100m from the curtilage of the Church.

The pole fronting Cardinals would be sited between the Oak and Sycamore trees within the boundary of the property, sited fronting the picket fence. The house is sited approx 20m's from the back edge of the pavement. Whilst the pole would be visible from the property, it would be partly screened from view by the trees which have a height of between 5-7m. It is considered that the introduction of a pole, 6m in height 76mm in diameter, in this position would not be so harmful to the outlook and visual amenities of the occupiers of The Cardinals as to warrant the refusal of the application.

There is an existing lamppost, 5m in height, sited at the back edge of pavement between Cardinals and its neighbour. The additional pole would not be a discordant addition to the street scene and would not detract from the character and appearance of the Conservation Area.

The 2 poles proposed to the north east side of the road, adjacent to the side boundary of Normandy, 1 Northcliffe Drive, would be sited to the rear of the green fronting Totteridge Village. The poles would be well screened by the extensive vegetation in this location and would not impact on the character and appearance of this part of the Conservation Area. The poles may encroach into the Root Protection Area of nearby trees and some pruning of branches may be required. The use of appropriate techniques to minimise damage will be submitted in the Detailed Arboricultural Method Statement which will be required byway of planning condition.

The house at Normandy, 1 Northcliffe Drive, is sited some 80m from the property's boundary with Totteridge Village. It is considered that the introduction of 2 poles in this location would have a negligible impact on the amenities and outlook currently enjoyed by the occupiers.

The positioning of poles 2 & 3 adjacent to Normandy, and the wire which will span to pole 1, are likely to require minimal end pruning of branches of a group of trees identified as G3 in the Arboricultural Implications Assessment, in order to achieve the adequate clearance required to facilitate the installation of the poles. It should be noted that trees within this group are still relatively young trees (young mature) and will continue to grow for some time. This new growth will quite possibly require on-going maintenance to ensure conflict between branches and the poles/wire does not occur. It is anticipated that the necessary pruning works required can be undertaken from ground level using high level pruning equipment, and that the use of chainsaws will not be required. It is recommended that works are undertaken in line with BS3998:2010 *tree work - recommendations*. Whilst there is a likelihood of some encroachment within the Root Protection Areas (RPA), the risk of significant damage can be minimised by the use of appropriate techniques which should be detailed in the required Detailed Arboricultural Method Statement.

Site Specific Comments Received

- Potential accident hazard caused by the distraction of 6m poles. Would hold the Council liable if another accident occurred on us turning right into Northcliffe Drive
- See no reason why we should have to view pole everyday to accommodate a small religious minority

- Not appropriate in the Conservation Area, detrimental to the look of the area
- Scheme benefits only a small section of the community for a short part of the week, to the detriment of the whole local population for the whole time
- Pole would be sited right by the entrance to house and driveway. There is a very narrow path this side of Totteridge Village and already have a restricted view when driving out. This would add to the danger
- Many Totteridge Academy pupils use this side of the road to get to the bus stop.

Site 25: Access way between 92 and 94 Totteridge Lane N20 8JG (2 x 3.5m high poles with connecting wire)

The two 3.5m high poles with connecting wire, would be sited adjoining no. 94 Totteridge Lane, crossing the access way which leads to the Totteridge Tennis Club at Great Bushey Drive. The poles would be sited approx 5m from a mature ash tree which is approx 15m high. No pruning would be required and the Detailed Arboricultural Method Statement will address how any small diameter roots present will be protected.

Due to the siting of the neighbouring properties, the extensive vegetation and the height of the proposed poles, it is considered the development could be accommodated in this location without undue detriment to the amenities currently enjoyed by the direct neighbours, or the character and appearance of the street scene.

Site Specific Comments Received

- See no reason for these poles and wires to be installed
- Inappropriate for the environment
- Excessive street clutter
- Loss of vegetation
- Unsightly
- Add to excessive clutter
- Better to reuse existing posts and poles and use those remaining for the eruv rather than introduce additional unsightly poles to add to the clutter.

Site 26: Adjacent to 75 Oak Tree Drive N20 8QJ and 62 Great Bushey Drive N20 8QL (2 x 6m high poles with connecting wire)

Two 6m high poles with connecting wire are proposed. One, on the west side of Great Bushey Drive, would be sited on the flank boundary of no. 75 Oak Tree Drive. The second is proposed between 62 and 64 Great Bushey Drive.

The Totteridge Tennis Club and sports ground is situated at the end of the road, to the rear of 75 Oak Tree Drive. This attractive open space which is not enclosed is within the Green Belt.

The pole to the west side would be sited to the flank boundary of no 75 Oak Tree Drive. The pole would not be sited in front of facing flank windows. The pole would be sited approx 20m from the boundary with the Green Belt and it is considered that the introduction of further street furniture in this location could be accommodated without impact on the openness or appearance of the Green Belt.

The pole between nos. 62 and 64 would be sited on the back edge of pavement on the party boundary between this pair of semi detached houses, mirroring the siting of lighting columns in the road which are 6m in height. It is considered that the pole would not be unduly intrusive when viewed from these properties and would be in keeping with existing street furniture in the road.

Site Specific Comments Received

- Development will be detrimental to the value of our properties
- Do not wish another structure outside this corner property with very narrow pavement which is well used to access fields and tennis club
- Leave little room for push chairs etc and could be dangerous
- Unattractive appearance
- Quite enough existing street furniture for resident with poor eyesight to negotiate
- Attractive nature of area will be adversely affected
- No Orthodox neighbours at all
- There are more important projects for Barnet Council to concentrate on. 99% of the community will surely be against this
- 6m poles out of proportion with the character and size of road
- Adverse impact on the surrounding area adjoining residents
- Use would be inappropriate for the area
- Post may involve the removal of tree outside our house
- Visually obtrusive
- Unnecessary clutter
- Wire will be visually obtrusive
- Reduce pavement width and increase damages to pedestrians

Site 27: Footpath Adjacent to 84 Totteridge Lane N20 8QQ (2 x 3.5m high poles with connecting wire)

This location is within the Green Belt. One of the poles would be sited close to the river bank and would be within Flood Plain Zone 3. The Environment Agency have advised that they have no comments to make on the proposal. The proposed siting of the poles lies a short distance from the boundary of the Upper Dollis Brook Site of Borough Importance for Nature Conservation.

One pole would be sited 8.1m from the back edge of pavement, 4m from the facing flank elevation of no 84 Totteridge Lane. The pole would not be sited directly in front of facing windows

The second pole would be sited adjacent to the Residents' Association information board, 0.7m from the pavement. Minor pruning of the long lateral branches of the Willow tree on the other side of the bank may be required but the pole would be sited outside of the RPA.

It is considered that two poles in the positions proposed could be accommodated in this sensitive location without unacceptable intrusion on this open setting.

The Ecological Assessment notes that the botanical interest of the areas to be affected is low, consisting only of ubiquitous species found elsewhere within the local

vicinity. Further no evidence of protected species was found. Bats are likely to forage along the Upper Dollis Brook though it is not considered that any potential roosting sites would be affected or that the poles and wires would interfere with the bats' foraging and commuting.

The National Planning Policy Framework states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Ecological Assessment notes that whilst the impact on the neighbouring nature reserve site is considered negligible, the provision of a bat box on the northernmost pole would constitute a minor enhancement. A condition is recommended to ensure that the box would be provided in accordance with the Assessment's recommendations.

Site Specific Comments Received

- Not appropriate to use 2x 3.5m high poles in this location. If the scheme goes ahead the Council should apply a condition that this opening is furnished with a rustic gateway.
- Given relative open nature of the site the proposed poles and wire would be much more obvious and obtrusive
- Add to existing clutter and will be an eyesore and widely visible
- Should utilize existing lamp posts rather than add further clutter
- Existing tree will need to be regularly pruned which will detract from its appearance
- Better to reuse existing posts and poles and use those remaining for the eruv rather than introduce additional unsightly poles to add to the clutter.

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The distance between the 2 poles would exceed 8m. The use of a rustic gateway would not be suitable at this required distance and would have a greater visual intrusion on this Green Belt site than 2 slim line poles with a 0.5mm wire.

Sites 28-30: Adjacent to Dollis Valley Green Walk Between Brookmead Court and 64-76 Totteridge Lane N20 8QG (3 x 6m high poles with connecting wire)

The Dollis Valley Green Walk is within the Green Belt. The frontage to Totteridge Lane is uncluttered and open with little street furniture to intrude on this open aspect.

Three 6m poles connected by wire would be erected along the roadway to join up a gap between the flank wall of the commercial parade and a hedgerow enclosing Brookmead Court across the open entrance into the Dollis Brook open area.

The wire will pass through the upper branches of a group of ash and sycamore trees located between the westernmost and central poles, and a lime tree located between the central and easternmost poles, which will need to be pruned to facilitate the wire.

The pole adjacent to Brookmead Court has been sited to minimise the chance of encountering roots of the oak and elder tree. The required Detailed Arboricultural method Statement will be followed to avoid/ minimise root damage.

It is considered that the proposed poles could be accommodated in the street scene without detriment to the Dollis Valley Green Walk. The poles would be viewed in the

context of, and follow, the linear urban street scene and, whilst adjoining the Green Belt, would not unduly intrude on its openness or green setting.

Site Specific Comments Received

- A Green Walk should be just that.
- Should not be straddled by invisible wires that will do untold damage to wildlife
- Barnet won a lucrative grant to enhance this green belt facility. The construction of an Eruv is not part of this.
- Sites 28-30 will be particularly unattractive as this runs across the Green Walk which is used or passed by thousands of people every day
- Wholly inappropriate locations, would be hugely visually intrusive and inconsistent with the surrounding environment.
- Add to existing unacceptable clutter in this locality
- Trees would need to be pruned and kept pruned
- Detract from the character of the area and enjoyment of users of this open space.
- Inappropriate that any one group should install symbols of their religion/belief in an area of public enjoyment
- Add to excessive clutter
- Better to reuse existing posts and poles and use those remaining for the eruv rather than introduce additional unsightly poles to add to the clutter.

Site 31: Brook Farm Open Space Bridge Over Northern Line (2 x 3.5m high poles with connecting wire)

Brook Farm is within the Green Belt and is a Site of Borough Importance for Nature Conservation. The land is also within a designated Green Chain.

The poles would be sited at the bridge crossing the Northern Line.

The poles would be sited on the east side of the bridge adjacent to the brick wall. The poles would not detract from the openness of the Green Belt in this setting, particularly in view of the existing safety fencing already in situ.

The poles would be sited on the small patches of amenity grassland on the public side of the railway fence. Although the botanical interest of the habitat beyond the fence is greater, the Ecological Assessment concludes that it is not anticipated that any of the identified species would be adversely affected by the installation of the poles. No evidence of protected species was found in the vicinity of the pole locations however it is known that the railway supports a population of common lizard and slow-worm and it is likely that the green corridor is also used by foraging/commuting bats. Whilst there may be some tree roosts along the line, no trees are close enough to the locations for there to be any impact, nor are there any overhanging branches.

The National Planning Policy Framework (dated 27.3.12) states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Ecological Assessment notes that whilst the impact on the nature reserve site is considered negligible, the provision of a bat box on either or both poles would constitute a minor enhancement. A condition is recommended to ensure that the boxes would be provided in accordance with the Assessment's recommendations.

Natural England have raised no objections to the planning application, however they do note that the use of a thick gauge wire would provide an 'object' for bats to echo locate and would thus provide a simple precautionary solution. The wire diameter at site 31 would be 10mm.

Site Specific Comments Received

- See no reason for these poles and wires to be installed
- Inappropriate for the environment
- London Underground Limited (LUL) have confirmed that the erection and retention of the poles on their land will require the applicant entering into a lease with LUL.

Site 32: Adjacent to Turners Court Great North Road EN5 1EG and 6 Great North Road EN5 1JS (2 x 6m high poles with connecting wire)

The pole to the west side of the Great North Road would be sited between Turners Court, a purpose built flatted development, and no. 9 Great North Road, whilst the pole to the east side would be sited fronting no. 6 Great North Road, to the south of the property's vehicular access.

The pole to the west side of the road has been sited 1m from the commencement of the dropped kerb to no 9, having careful regard to avoid being sited directly in front of the facing windows to Turners Court. The minor pruning of the ash tree within the landscaped setting of Turners Court will be required. The required Detailed Arboricultural Method Statement will be followed and the consent of Turners Court residents and/or management committee will be required. The tree is not included in a Tree Preservation Order.

The pole to the west side of the road has also been sited to avoid being sited directly in front of the facing windows.

It is considered that the introduction of 2 additional 6m high poles could be accommodated without causing a detriment to the character and appearance of the street scene, or the outlook and amenities enjoyed by neighbouring occupiers.

Site Specific Comments Received

- The poles will affect the visual amenity and outlook from Turners Court. The land falls towards the west and the level of Turners Court is significantly lower than the highway making the poles look more prominent.
- Poles will increase the street clutter at this location as there is a lamp post located nearby.
- The majority of residents of Turners Court are elderly. The pavement at this point will be narrower making it difficult to manoeuvre a wheelchair. As well as Highways considerations, this engages the Equalities Act 2010 and it is incumbent on the case officer and Planning Committee to assess the application against the obligations imposed by the Act.
- The poles (at least one) will be placed in front of a tree protected by a TPO. This will draw the eye away from the tree and affect the enjoyment of the public of the tree, reducing the benefit and defeating the object of the TPO.
- As natural roosting sites have become more scarce due to development, so the

number of artificial roost sites has increased in the form of houses, bridges etc. The location of the Eruv and its structures is likely to affect bats and their roosts. It is essential that the presence or otherwise of protected species, and the extent that they maybe affected by the development is established before planning permission is granted, otherwise all relevant material planning considerations may not have been addressed in making the decision. In these circumstances a bat survey is required.

- A Public Authority has a duty to have regard to the requirement of biodiversity in carrying out its functions. The Bioscan Ecological Assessment leaves out consideration of sites 32-34. These sites should be assessed prior to the consideration of the application.

Comments on Grounds of objection not addressed in the appraisal above

- The pole to the west side of the road would be sited forward of a landscaped bank fronting Turners Court. The pole would not be sited directly in front of the block but would be sited approx 2m's south of its flank wall. The block is sited over 19m's from the back edge of pavement. Whilst the poles may be seen by the occupiers of Turners Court this does not in itself amount to a compelling reason for refusal.
- If planning permission were to be granted, the available pavement fronting both Eruv poles would remain sufficiently wide to allow 2 wheelchairs or 2 people to pass side by side. There would be no adverse impact on those with the protected characteristic of disability under the Equalities Act 2010.
- No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of the proposed gateway. the decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration. Given the site's situation, bats or other protected species are unlikely to be encountered and therefore an Ecological Assessment of site 32 was not required.

Site 33: Netherlands Road, Between Temple Lodge and 92 Netherlands Road EN5 1BU and Stevenson Close Flats opposite (2 x 6m high poles with connecting wires)

The pole on the south west side of the road would be sited on the boundary between Temple Lodge and no. 92 Netherlands Road and the pole opposite would be sited fronting the flats at Stevenson Close.

The pole to the south-west side of the road has been sited 1m from the commencement of the dropped kerb to no 92, having careful regard to avoid being sited directly in front of the facing windows to Temple Lodge.

The London Plane trees sited on the pavement on the north east side of the road are protected by a group TPO in recognition of the trees high public amenity value. The pole has been positioned to be centrally sited between 2 of the protected plane trees. The required Detailed Arboricultural method Statement will be followed to avoid/ minimise root damage.

The pole would be sited in front of the stairwell to flats 8-13 Stevenson Close which is located over 20m's from the close boarded fence enclosing the development from the highway.

It is considered that the introduction of 2 additional 6m high poles could be accommodated without detriment to the character and appearance of the street scene, or the outlook and amenities enjoyed by neighbouring occupiers.

Site Specific Comments Received

- Object to the proposed Eruv which, amongst 31 other sites, will run between Temple Lodge and 92 Netherlands Road.
- Eruv's construction is inappropriate for this quietly diverse area, with no synagogue, which houses families and elderly who have a mix of religious views or no religion
- Believe there will be more noise and disturbance resulting from Eruv
- Considerable disruption when Jewish Festival held in the Venture Scout Hall opposite Temple Lodge
- Eruv will bring worshipers from all over London who have no Eruv bringing more noise and disturbance
- Cause more problems with parking, access and traffic
- The scale and ugly appearance of the Eruv will cause loss of amenity and character
- Eruv would constitute selfish behaviour to those who moderate views, and practice religion in our homes and places of worship, not on the streets
- Detrimental impact on the appearance of Netherlands Rd
- Treasure the collection of London Plane trees and bird life
- As natural roosting sites have become more scarce due to development, so the number of artificial roost sites has increased in the form of houses, bridges etc. The location of the Eruv and its structures is likely to affect bats and their roosts. It is essential that the presence or otherwise of protected species, and the extent that they maybe affected by the development is established before planning permission is granted, otherwise all relevant material planning considerations may not have been addressed in making the decision. In these circumstances a bat survey is required.
- A Public Authority has a duty to have regard to the requirement of biodiversity in carrying out its functions. The Bioscan Ecological Assessment leaves out consideration of sites 32-34. These sites should be assessed prior to the consideration of the application.

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The Eruv would allow carrying on the Sabbath. This does not include driving a car
- The Eruv poles are required to 'close' gaps in the Eruv boundary, most of which is delineated by existing boundary features. The poles and wire gateways would not form a focus for the Jewish community but are a required devise to complete the boundary and establish the Eruv for its intended purpose.
- No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of the proposed gateway. the decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration. Given the site's situation, bats or

other protected species are unlikely to be encountered and therefore an Ecological Assessment of site 33 was not required.

Site 34: Adjacent to Hall at 1 Stevenson Close EN5 1DR (2 x 6m high poles with connecting wire)

2 poles with connecting wire are proposed to cross Stevenson Close. There are 2 flag poles on the grassed area to the side of the sea scouts building accessed via Stevenson Close. The land to the south side of the Close has a narrow grass verge, displaying a street name sign, with metal palisade railings behind enclosing the Network Rail land.

It is considered that the poles and wire proposed could be accommodated in this mix street scene location without causing additional harm.

Site Specific Comments Received

- An eyesore that we would be able to see from our flat
- No need for such a construction
- As natural roosting sites have become more scarce due to development, so the number of artificial roost sites has increased in the form of houses, bridges etc. The location of the Eruv and its structures is likely to affect bats and their roosts. It is essential that the presence or otherwise of protected species, and the extent that they maybe affected by the development is established before planning permission is granted, otherwise all relevant material planning considerations may not have been addressed in making the decision. In these circumstances a bat survey is required.
- A Public Authority has a duty to have regard to the requirement of biodiversity in carrying out its functions. The Bioscan Ecological Assessment leaves out consideration of sites 32-34. These sites should be assessed prior to the consideration of the application.

Comments on Grounds of objection Not Addressed in the Appraisal Above

- The fact that the poles can be seen does not in itself amount to a compelling reason for refusal.
- The Eruv poles are required to 'close' gaps in the Eruv boundary without which the Eruv boundary cannot be complete
- No demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of the proposed gateway. the decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration. Given the site's situation, bats or other protected species are unlikely to be encountered and therefore an Ecological Assessment of site 33 was not required.

Nature Conservation

Concerns in respect of the potential impact of the Eruv equipment on bats has been raised in respect of sites 19A, 21, 27, 28-30, 31 and 32.

All species of bat are fully protected under “The Conservation of Habitats and Species Regulations” 2010. They are also protected under the Wildlife and Countryside Act 1981 (as amended).

Article 12 of the Habitats Directive contains a range of prohibitions seeking to protect bats and other European Protected Species. These prohibitions include deliberate capture or killing, deliberate disturbance which includes disturbance like to

- (a) impair their ability to
 - (i) survive, breed, reproduce or rear or nurture their young; or
 - (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or
- (b) affect significantly the local distribution or abundance of the species to which they belong
- (c) Will damage or destroy a breeding site or resting place used by bats.

The Local Planning Authority is required to have regard to the requirements of the Habitats Directive in deciding whether or not to grant planning permission.

The circumstances of this application are such that whilst concerns have been raised in respect of potential harm to bats, information submitted with the application does not indicate that bats will be adversely affected by the proposed Eruv equipment. Natural England have been consulted and have not raised objections to the proposal but have suggested the use of thicker wire at Site 31 as a precautionary approach. A suitably worded condition has been recommended as indeed have the provision of 1 bat boxes at sites 0, 27 and 31.

Concern has similarly been raised in respect of the potential harm to birds that could arise from the proposal. The RSPB have been consulted but no comment received. There is no evidence either submitted with the application or from the operation of other Eruvim that indicates the proposal would adversely affect birds.

The application is considered acceptable on grounds of nature conservation.

4. EQUALITIES AND DIVERSITY ISSUES

Summary of the Provisions of the Equality Act

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require public authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.

Section 149 provides:

(1) A public authority must, in the exercise of its functions, have due 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.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to -

(a) tackle prejudice, and

(b) promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- age;
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

There has been extensive consultation on the equalities impacts of this proposal with two rounds of public consultation, the second being primarily focused on equalities issues. An equalities questionnaire was sent to all consultees, requesting information on equalities impacts and to gather evidence for the council of the views of different groups when assessing the responses. Officers have also considered information held by the council on protected groups in the borough and the experience of other Eruvim which currently operating in Barnet. Officers recognise that not everyone will respond to a consultation but consider that the two rounds of consultation have provided a representative response from the main stakeholder groups who will be affected by this proposal. The Equalities Impact Assessment based on those responses and information held by the council is set out below:

Analysis of relevant impacts on protected groups

It is considered that the following protected groups could potentially be affected by the proposal:

- Jews
- Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- Secular Groups – Agnostic, Atheist, Humanist
- Disabled people
- Elderly Jews
- Young children and parents of young children who are Jewish
- Jewish women (on the assumption that these have greater childcare responsibility)

Before analysing the potential impact of the proposal on each of these groups it must be acknowledged at the outset that monitoring and assessing religious equality or equality between people with different beliefs can be difficult. Varying levels of commitment to particular religious or beliefs can make it difficult to interpret the information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith and an orthodox Jew who observes the Sabbath and refrains from “carrying” on that day except within an eruv.

(Orthodox) Jews

As referred to elsewhere in the report, in the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath) and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws.

The applicant's statement, which is attached as an appendix, states that the Woodside Park Synagogue is an Orthodox Jewish Community and as such it is assumed that its members observe Jewish Law. The Jewish Community composes 15% of Barnet's population.

This prohibition has the following adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath:

Parents cannot utilize a pram or pushchair to take their baby/young child with them to the synagogue or anywhere else such as to visit friends or relations.

In effect this means that children aged two and under may be housebound as will at least one of their parents, a situation that would continue to exist until all the children in a family are able to walk to synagogue and back.

The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

Disability takes various forms and those who require an appliance such as wheelchair, walking stick, Zimmer frame to get out and about cannot make use of such equipment in a public thoroughfare without transgressing Jewish Law on the Sabbath.

The prohibition also applies to the carrying of medication such as pills, nebuliser unless the absence of such medication were life threatening. Less obviously Jewish law also prevents the carrying of reading glasses whilst walking.

The introduction of the Eruv would directly benefit these members of the Jewish community who are adversely affected as outlined above.

Indirectly other members of the Jewish community would benefit from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

Information provided by the applicant, based on the membership of the Synagogue on 31/12/10 indicates that there are 370 members aged 70 or over and 100 children up to 4 years of age. The applicants have calculated that with the inclusion of the children's parents the number of persons who would directly benefit from the proposed eruv would be some 600. The overall membership of the synagogue was 1382.

In response to the second round of consultation, out of a total of 99 questionnaires which were completed and returned, 47 (47%) were completed by persons who declared themselves to be Jewish. An analysis of these responses show that 42 out of 47 (89%) supported the application. 4 responses (8.5%) objected and the remaining single response made no comment.

The overwhelming majority of Jewish people who completed the questionnaire were in favour of the proposal. The most common points made in favour were the benefits that would accrue to the young, the disabled and the elderly members of the community.

Other faith groups

The groups which fall within this section include Bahai, Buddhist, Christian, Hindu, Jain, Muslim, and Sikhs comprising a combined 73% of the borough's population.

Of the total of 99 questionnaires that were returned completed 36 (36%) were completed by persons who declared themselves to be members of these groups. The most commonly represented faith group within this section were Christians who completed 34 (94%) questionnaires, 30 out of 34 (88%) objected to the proposal.

In part the objections raised relate to the potential negative effect that the introduction of the Eruv equipment would have on their own religious beliefs. In particular concerns were raised that the Eruv would be imposed on the whole community, the majority of whom do not share the religion or beliefs of the Jewish community.

It was suggested that the Eruv would enclose non Jewish residents within a Jewish boundary and the area could change in character if the Eruv incentivised members of a particular minority to settle there. These concerns were raised in 22 (61%) of the questionnaires. It was said that there is no need for the eruv given the relatively small number of Jewish residents in the area. In terms of the objections received a significant proportion consider that the proposal will adversely affect their religious beliefs which are protected characteristics.

It can be seen from the objections received that the members of other faith groups who completed the questionnaire perceive that the proposal will have an adverse impact on their religious beliefs. The effect of this on the individual will vary from person to person and there is an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief.

However set against the adverse impacts which members of other faith groups perceive that the proposed Eruv would have on their religion or belief are the following considerations:-

The proposed Eruv equipment comprising poles, lechi, gateways and wire do not display or carry any Jewish or any other overtly religious symbolism that would allow them to be identified as being of any religious significance.

The proposed poles would be up to 6m high and connected in places by relatively thin wire. Officers consider that they would appear as part and parcel of the variety of street furniture with no discernible religious significance. In addition, the poles and equipment will be located where possible at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene.

With regard to the specific concerns raised about the proximity of the eruv to existing churches, two alternative locations (of which only one would be implemented) have been proposed in relation to St Andrews Church in Totteridge; one 70m from the church and the other 20m from the church. These poles, like the others proposed would be plain in appearance and 6m high, devoid of any religious symbolism. St Andrews Church has been consulted and has not replied objecting to the proposal.

With regard to Union Church in Northiam, the proposed eruv equipment is proposed to be some 600m away from the Church. The Church has been consulted and no objection has been received.

The Council of Christians and Jews (CCJ) has written in support of the proposal. It commented on the advantages the proposal would have on members of the Jewish community with poor mobility. CCJ "see the allowing of Eruvim as part of the wider

community's embrace and engagement with minority groups". The comment is also made that it is believed it is the intention to always make the Eruv poles as unobtrusive as possible and that the poles are not very obtrusive at all. The CCJ's comments focus on the scheme's benefits to the Jewish community. However, its support for the scheme indicate that at least some sections of the Christian community support the proposal and objection from this protected group to the scheme is not uniform across the group.

The physical impacts of the proposed Eruv equipment have been considered on a site by site basis earlier in this report. Officers have concluded that that the proposed siting of the Eruv equipment would not result in visual obtrusions to such a degree as to warrant refusal and would be readily assimilated into the general street scene.

There are already a number of Eruvim in existence in Barnet and elsewhere. The operation of these Eruvim provides useful evidence as to the likely potential impacts of the scheme on protected groups and is therefore relevant to the consideration of the current application.

The presence of other Eruvim is referred to in a letter from the Board of Deputies of British Jews (The BOD) which is summarised in the appendix. The comments relevant to this section of the report are as follows:-

- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- The Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- The Community Security Trust records anti-Semitic incidents in the K. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings at senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made aware of any objections from these groups to an Eruv
- From experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.

- The best case for an Eruv in Woodside Park is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

Officers do not have any evidence to contradict the points raised by the BoD in respect of the operation of the existing Eruvim in the borough. In the process of the consideration of this application officers have visited these Eruvim and would support the comments made in respect of their assimilation into the general street scene.

If the observer were to make a deliberate attempt to locate the Eruv equipment then they will be seen but otherwise they are part and parcel of the general street scene and there is nothing that identifies them as having any religious significance.

Officers accept that the proposal could have a potential adverse impact on those of other non-Jewish faith groups who feel it impinges on their beliefs. Officers nevertheless consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where no evidence has been forthcoming to support these concerns. The potential adverse impact of the proposal in these protected groups is outweighed by the positive outcomes that the proposal will have through enabling the very young, elderly and disabled members of the community to be able to worship at the Synagogue on the Sabbath and the Day of Atonement.

In reaching this conclusion officers have given weight to the impact that the proposals would have on the identified protected groups, however the harm is outweighed by other considerations.

Secular Groups

This group includes Atheists, Agnostics and Humanists and are a protected category under the Equality Act 2010. A total of 17 (12%) completed questionnaires were received from members of these communities, all except 1 objected to the proposal. Members of secular groups and non-religious persons comprise 13% of Barnet's population.

The particular concerns raised by members of this group were that it would raise secular tensions, promotes inequality and imposes religious beliefs on other persons.

It is considered that these perceived adverse impacts are mitigated by the following:

- The successful operation of existing Eruvim elsewhere in this borough and in neighbouring authorities where there is no evidence that an Eruv gives rise to tension between secular and religious groups.
- The Eruv equipment does not carry any Jewish symbolism and is usually seen as part and parcel of the normal street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Jewish Community.

Disabled people

A total of 25 questionnaires were completed and returned by disabled persons equating to 25% of the overall total returned, 13 of the questionnaires (52%) were completed by members of the Jewish community of which 10 (77%) supported the scheme on the grounds of the benefits which would accrue to disabled persons as a result of the Eruv namely being able to attend the Synagogue to worship on the Sabbath. In addition they would also be able to attend with friends or family members thus actively becoming part of the wider Jewish community and improving their spiritual and social life. They also supported the ability to be able to carry medicines on the Sabbath which is important for health reasons.

12 responses were received from Non Jewish disabled persons of which 11 (92%) objected to the proposals and the remaining 1 response made no comment. Of the 11 objections, only 2 raised concerns in respect of the potential adverse impacts that the equipment would have on disabled persons in general being able to use the public footpath. They were concerned that the proposed equipment would reduce pavement width thus making it difficult for persons with Zimmer frames or wheelchairs to travel comfortably along the public footpath in these locations.

According to information from the Department of Work and Pensions, there are 11,280 disabled persons in Barnet represent 3.2% of the borough's population.

Access in Barnet have been consulted and raise no objection in principle provided that the poles do not narrow any footway.

Some concerns were raised previously in the first round of consultation objecting to the potential impact that the proposed equipment could have on partially sighted/blind persons whereby the equipment could be a trip/collision hazard thereby having a serious effect on their safety and general wellbeing.

The proposal would significantly and positively benefit disabled members of the Jewish community in that it would enable them to attend the synagogue for worship on the Sabbath as well as generally being able to leave their houses to socialise with friends and family on those days. It would in effect give them the same opportunity to join in the spiritual and social life of their community, as well as the wider community on the Sabbath.

Whilst the proposal would benefit disabled members of the Jewish community the views have also been expressed that the physical presence of the equipment could prejudice the mobility and safety of other disabled members of the community.

In response to the concerns that the proposed eruv equipment would create a hazard to disabled persons using the highway, officers accept that this is a reasonable concern. Officers consider however that the sites for the equipment have been carefully chosen so as to prevent such situations arising. The Eruv poles themselves are 76mm in diameter so are relatively thin structures that can be sited at the back edge of the pavement so as to minimise intrusion onto the footway. The Eruv poles are considerably smaller than many items of street furniture that can be erected without the need for any planning permission. The location of the Eruv poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

The Council's Highways Group, who are directly responsible for highway and pedestrian safety on the Borough's roads have been consulted throughout the process and have no objections to the proposal. As can be seen from their comments reported earlier, the impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration. Similarly TFL have been consulted and raise no objections to the proposal. In addition to planning permission being necessary, the equipment also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued.

Officers also consider that having visited the individual sites and having considered the proposed siting of the Eruv equipment, that any of the application on the safety of disabled members of the community would be mitigated by the combination of the size and design of the equipment and its location.

The impact of the existing eruvim on the health and safety of disabled members of the community should also be taken into account when considering these issues. From the information provided by the applicant, which is not contested by the Highways Group, there is no evidence that there have been any incidents of the eruv equipment constituting an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of Eruv equipment on the public highway could result in a hazard to members of the public in general or disabled persons in particular that is not the case with this proposal. As stated each site has been carefully assessed and the siting of the Eruv equipment would not adversely impact disabled members of the community.

Given the above and the careful consideration given to the siting of the individual poles and leci, officers consider that the health and safety of disabled persons would not be prejudiced by the proposal in the normal course of events.

Officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Jewish community.

Elderly People

There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled.

Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals. Without the introduction of an Eruv they would be prohibited from carrying these items on the Sabbath and as such would be housebound, unable to take part in religious services at the synagogue.

The introduction of the eruv would remove this prohibition and similar benefits would accrue to the elderly as for the disabled.

Information provided by the applicants indicated that there are some 370 members aged 70 years or older who would potentially benefit from the proposal.

Of the 47 questionnaires completed by the Jewish community, 21 (45%) were returned completed by elderly persons of which 19 supported the proposal (90%). 14 of the respondents supporting the application did so citing the improvement to their quality of life that the eruv would bring.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise similar to those in respect of disabled persons.

It is considered that the eruv would bring significant benefits to elderly members of the Jewish community, as described in the previous section.

The proposal would have clear and significant benefits for elderly member of the Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

Young Children and parents of young children in the Jewish Community

Without the introduction of an eruv young children, more specifically those that have not reached walking age or are only capable of walking short distances would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

At least one parent of young children would be effectively housebound by having to look after their children who cannot walk to the synagogue, local park, friends, grandparents etc. Furthermore, it is likely that mothers would have a greater childcare responsibility and are therefore likely to be disproportionately affected.

The introduction of the Eruv would enable the use of pushchairs, prams etc for taking children out on the Sabbath. This will not only increase equality of opportunity for the children themselves but also their carers. In addition there would be indirect benefits to the wider family groups and community from being able to include all members in the communal activities. The number of children and children's parents who are currently adversely affected by the absence of an Eruv is in the region of 230.

6 of the questionnaires returned by Jewish members of the community were from members with young families; all these responses supported the proposal.

Officers consider that the proposal would positively benefit members of this particular group. No noteworthy potential adverse impacts on members of this group have been highlighted or drawn to officer's attention through the consultative process.

Fostering good relations between different religious/ethnic groups

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- “Tackle prejudice and promote understanding”

It is considered that the planning application itself provides an opportunity for inter faith and religious understanding to be promoted. The application itself outlines the role of the Eruv thus giving more insight to the wider community of certain aspects of the Jewish faith. Additionally, the planning process involved an active consultation exercise by the LPA, in this case some 1500 local residents were written to individually. The consultation letters included a brief description of the Eruv and what it is for and the application itself gave more information.

Additionally, the applicants, as part of the pre application consultation, held a public meeting in decision 2010 and explained the operation and details of the Eruv to non-Jews who attended and the Council is advised that no objections were made at the meeting.

The Totteridge Residents Association and the Totteridge Manor Association were consulted by the applicants prior to submission of the application and neither raised any objection.

The Woodside Park Residents Association was consulted as part of the planning process and have not objected.

The Board of Deputies for British Jews is particularly engaged with inter faith dialogue, with regular meetings at all levels and no objections have ever been made to an Eruv.

The experience of the successful operation of Eruvim in Barnet continues to foster good relations between Jews and non Jews.

Overall conclusion on equalities impacts

This planning application falls to be considered on its planning merits but, given the nature of this application, in reaching its decision the LPA must have regard to the provisions of the Equality Act 2010. This Act requires the LPA to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

Officers consider that the proposal has the potential to generate a number of negative and positive impacts on groups with the protected characteristics of age, disability, religion or belief.

The potential impacts, both positive and negative of the proposed on the different groups have been identified and weighed against each other. As evidenced by the report this is not an easy task particularly when assessing the impact of the proposal on the religion/beliefs of different groups.

There have been substantial and genuine objections to the application made in respect of religious or belief characteristics. Many people feel strongly against the Eruv and have taken the time and trouble to detail those objections.

The development proposed, would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath. The development would not change the use of the land nor impose any changes in behaviour on others also the evidence from other Eruvim suggests that it would not necessarily lead to a change in the demographics of the area nor threaten community cohesion between different faith and ethnic groups.

The application comprises pieces of street furniture, cylindrical poles joined at the top by thin wire, hardwood uprights and lintels, and 1m high posts known as Leci. The poles resemble lamp posts without the lamp fittings. Other than the 'gateway' constructions proposed, there are no physical manifestations delineating the Eruv boundaries. The 'gateways' would not display any signage or religious symbol. The fears expressed that the development would alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv have not been borne out in the parts of the borough which currently have Eruvim and it is considered that the benefits to the identified protected groups would outweigh the perception of harm.

No one group would be directly disadvantaged by the Eruv, however those Jews who observe the Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups, outside of the Jewish community as previously addressed.

Conclusion

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advise has three dimensions; economic, social and economic. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural well being.

The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment needs to be taken into account in the consideration of this application.

The application is also supported by the London Plan, in particular policy 3.16 which seeks the protection and enhancement of social infrastructure.

In addition the application has the support of the Council's development plan policies.

Each individual Eruv equipment site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the visual amenities of the area and the amenities of neighbouring residents. In conservation terms the application would be neutral and would therefore preserve the character and appearance of the conservation area. Concerns which have been raised in respect of the potential impact on wildlife and European Protected Species have been addressed.

The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in this regard.

The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken into account in the consideration of this application. No one group would be directly disadvantaged by the Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups, outside of the Jewish community as previously addressed.

Eruvim already exist elsewhere in the borough and officers have visited these to assess the impact that the equipment has on the character and appearance of those areas. Officers consider that the Eruv equipment has no adverse impact and readily assimilates into the street scene. Similarly there is no evidence that the concerns raised in respect of the potential adverse impacts of the proposal on protected groups have materialised.

The application is considered to be acceptable and approval is recommended.

Appendix

Applicant's Statement

To address the provisions of the Equality Act the applicant has submitted the following statement:

Section 149(1)(b) – Age and Disability

Woodside Park Synagogue and Barnet Synagogue are constituent members of the United Synagogue, which is an organisation founded with the sanction of an Act of Parliament in 1870. It takes its religious authority from the Chief Rabbi of Great Britain and the Commonwealth, currently Lord Sacks, and is thus an Orthodox Jewish community.

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath (from dusk on Friday to dusk on Saturday) and on the Day of Atonement. This prohibition has a number of adverse effects on the very young, the very old and the disabled as follows.

Parents cannot put their baby or young child in a pram or pushchair and take them to the synagogue. Nor can they take them to the homes of friends for lunch or tea or, for example, to a birthday party. As a result, children aged four and under will be housebound, as will at least one of their parents, unless their parents are willing to transgress Jewish law. Thus parents with, say, three children aged 6, 3 and 6 months will find that, as a family, they are effectively housebound for a period of some ten years. The Sabbath is an ideal time for families with young children to socialise and the inability to do so without transgressing Jewish law is a severe hardship.

The very old will often walk with the aid of a walking-stick, either because they need to or because they feel more secure in doing so. However, they cannot do so without transgressing Jewish law.

Disability can take many forms. Those whose disability affects their walking will require an appliance, such as a walking stick, Zimmer frame or wheelchair, to get out and about. However, they cannot take any appliance into the street without transgressing Jewish law. If their disability requires medication to be carried, such as pills or a nebuliser, this also cannot be done unless the absence of the medication would be life-threatening. Even an everyday matter, such as carrying a pair of reading glasses in one's pocket, cannot be done when out walking.

Section 149(1)(b) of the Equality Act provides that LBB must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons whose age or disability puts them at a disadvantage to others. Section 149(3) explains that this involves having due regard to the need to remove or minimise disadvantages suffered by such persons, to take steps to meet the different needs of such persons and to encourage such persons to participate in any activity in which their participation is disproportionately low. Section 149(4) explains that to meet the needs of the disabled, the steps to take are those that take their disabilities into account.

Each year currently and for many years past, Woodside Park Synagogue has a total of about 25 Barmitzvahs (for boys) and Batmitzvahs (for girls). So the cohort of children in each year group is about 25. Therefore at any given time there will be about 100 children aged from 0 to 4, spread between at least 50 families.

As at the 31st December 2010 the age profile of Woodside Park Synagogue's membership was:

<u>Age</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
21 - 30	31	34	65
31 - 40	107	110	217
41 - 50	103	121	224
51 - 60	128	128	256
61 - 65	71	78	149
66 - 70	37	57	94
71 - 80	89	104	193
81 - 90	46	94	140
91 - 100	14	21	35
100+	0	2	2
unknown	1	6	7
0 - 4	50	50	100

It can immediately be seen from this table that the Synagogue has 370 members aged 70 years and over.

One can therefore calculate that the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 600.

Barnet Synagogue has 900 members in 550 households. 71 of these households have members over 75 years of age and 26 of these households have children aged 4 years or under. So the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 240.

This total of about 840 for Woodside Park and Barnet Synagogues is not, however, the full story. There are in addition many more families who have their grandchildren and/or their elderly parents come to stay with them over a weekend. They are adversely affected on Friday night and Saturday in exactly the same way and thus a significant number of people are disadvantaged for the relatively small area concerned.

We have asked a number of our members who are elderly, disabled or have young children to write personal letters explaining how their age or the age of their children or their disability currently puts them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgress Jewish Law. And to explain how the creation of an Eruv would remove or minimise that disadvantage, would meet their different needs, would take their disabilities into account and would encourage them to participate in activities from which their participation is currently precluded by the age or disability. We attach their letters and emails to this Response as **Appendix A**.

We have asked a number of individuals living in North West London or Edgware who are elderly, disabled or had or have young children, to write explaining how – before their local Eruv was constructed - their age or the age of their children or their disability put them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgressed Jewish Law. And to explain how – since the construction of their local Eruv – their Eruv has removed or minimised that disadvantage, met their different needs, took their disabilities into account and encouraged them to participate in activities from which their participation was previously precluded by age or disability. We attach their letters and emails to this response as **Appendix B**.

Finchley Central Synagogue of Redbourne Avenue N3 lies just to the north of the existing NW London Eruv and hence outside it. However, it will fall within the Woodside Park Synagogue Eruv and hence supports it. The impact of the Eruv on the Jewish community may be seen clearly and starkly as regards the members of this Synagogue. Although the Synagogue has long had an attractive and purpose-built synagogue building in Redbourne Avenue, for the last three years it has ceased to hold services on the Sabbath in its building and has instead held services in Pardes House School premises, which are at Church End and hence are within the NW London Eruv.

As can be imagined, abandoning the attractive synagogue building in favour of a school hall was not an easy (or in some circles popular) decision. However, it became a necessity because families with young children simply could not get to the synagogue building on the Sabbath and were therefore deserting the community. Following the move, dozens of young children and their parents now attend the services. We attach a letter from Rabbi Yaakov Hamer of Finchley Central Synagogue to this Response as **Appendix C**.

Section 149(1)(c) – Fostering good relations

The section requires that LBB must also, in the exercise of its functions, have due regard to the need to foster good relations between persons who share a relevant protected characteristic, such as the Jewish religion, and persons who do not share it. Section 149(5) states that this involves having due regard to the need to tackle prejudice and promote understanding.

The planning applications for the Eruvs provide a classic opportunity for inter-religious understanding to be promoted by LBB. Most non-Jews were unaware of the concept involved and all who have had it explained to them have been supportive. The Totteridge Residents Association and the Totteridge Manor Association, were both consulted by Woodside Park Synagogue before its application was submitted and neither has raised any objection. The Woodside Park Residents Association was notified of this application by LBB. They discussed it and again raised no objection.

In addition, Woodside Park Synagogue advertised in the local Press and convened a public meeting in December 2010 and explained the operation and details of the Eruv to the non-Jews who attended. Again, there were no objections.

Totteridge Ward Councillors, Brian Coleman and Alison and Richard Cornelius have all been consulted about the Eruv and have been supportive, as has local MP Teresa Villiers.

The Board of Deputies of British Jews works widely with representatives of other faiths. The Board is ideally placed to know whether Eruvs have caused any disquiet within or objection from other faith groups. The Board's letter, attached to this Response as **Appendix D**, confirms that this has not been the case.

Parliament contemplated that some might consider that minority interests were being given unduly favourable treatment. Accordingly, section 149(6) of the Act provided as follows:

- (6) *Compliance with the duties in this section may involve treating some persons more favourably than others;*

It is also the case that LBB has the largest concentration of Jewish residents in the UK. This may explain why some Barnet residents have a perception that the Jewish community is being given more favourable treatment than others. However, that perception is merely a reflection of the ethnic make up of the Borough and is unjustified when viewed objectively and in proper perspective. For example, many streets in the Borough, including Golders Green Road, are adorned with Christmas lights each year and church bells ring out their message far and wide.

Jewish Law permits one to carry from Eruv to Eruv so long as they are contiguous. The Woodside Park Synagogue Eruv will be contiguous with the NW London Eruv and with the Mill Hill Synagogue Eruv. The Barnet Synagogue Eruv will be contiguous with the Woodside Park Synagogue Eruv and the Cockfosters & N Southgate Synagogue Eruv. Accordingly, when the Woodside Park Synagogue Eruv is operation Jewish families with their young children, as well as the elderly and disabled, will be able to visit family and friends in High Barnet, Cockfosters, Hendon or Mill Hill. The numbers involved, whilst not large, will be significant in relation to the geographical area involved. Correspondingly, without the Woodside Park Synagogue Eruv this contiguity will be lost, to the detriment of these families.

52 days a year presumably refers to every Friday night and Saturday. This represents one half of the weekend and thus one half of most people's leisure time, which is a significant amount of time. The Day of Atonement should also be included, and this is the most solemn day in the Jewish calendar.

With two exceptions, where the Planning Officers specifically requested rustic poles and lintel, all the poles will be indistinguishable from existing signage poles found on roadsides. They will be painted grey-green to match such signage poles and will be visually innocuous. There will be just 3 sets of poles in Woodside Park, 6 sets in Totteridge and 8 sets in the High and East Barnet areas and they will not have any adverse visual impact in either locality.

Under Jewish Law, the poles have to be placed right next to an existing wall or fence. They cannot be placed on the kerb (as are many lampposts, telegraph poles and trees) and therefore they cannot and will not constitute an obstruction to free passage or a hazard to the disabled. Indeed, in the 9 years that the NW London has been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs. We attach a letter from the Court of the Chief Rabbi (Lord Sacks) to this Response as **Appendix E**.

In many cases, the poles will not be on the pavement at all. For example, of the 3 sets in Woodside Park, none will be on the pavement. And in Totteridge, only 2 sets will be on the pavement.

The Woodside Park Synagogue and its members would not wish to do anything that might upset the congregation of St Andrew's Church.

Before submitting its planning application, Woodside Park Synagogue carried out a formal pre-planning consultation with LBB Planning Officers. This involved visiting each proposed site and receiving the Planning Officers' detailed written report.

One of the sites proposed by Woodside Park Synagogue was on Totteridge Lane, right outside St Andrew's Church. It had been selected because it was the only site on Totteridge Lane that did not involve placing a pole on, or passing a wire over, the grass verges, which are privately owned by the Totteridge Manor Association. The Planning Officers recommended that we chose a different site, so as not to intrude on the Church. We acceded to their request and found two alternative sites on Totteridge Lane; one on a TMA grass verge adjacent to Eagle House, some 70 metres from the Church, the other opposite the junction of Northcliffe Drive, some 200 metres from the Church. The Planning Officers saw no problem with either of these alternative sites.

Having obtained TMA consent to the placing of a pole on their verge, our planning application was only in respect of this first alternative site. However, if 70 metres from the Church is still regarded as too close, we are perfectly content to use other alternative site, opposite the junction of Northcliffe Drive. To this end, on 17 January 2012, we submitted an amendment to our original application to include this alternative site. We attach a copy of this amendment as **Appendix F**.

We are sensitive to the feelings of our Christian neighbours and we believe that 200 metres from the Church and concealed by trees fully satisfies any legitimate objection.

It is not accurate to describe a plain green-grey pole, with an invisible fishing-line wire at the top and with no other adornment, as a 6m high Jewish symbol. The pole carries no Jewish symbols whatsoever and is indistinguishable from other street furniture.

It may be the case that the creation of an Eruv will encourage Jews to live within it rather than outside it. However, no measurable shift in the location of the Jewish population is anticipated for one fundamental reason. Namely, that most of the North and North West London Jewish communities now have an Eruv or are proceeding towards obtaining one. Thus Eruvs have been constructed for North West London (Hendon, Finchley Central and Golders Green), Edgware, Stanmore and Elstree & Borehamwood. And Eruvs are in progress for Mill Hill, Barnet, Cockfosters & North Southgate and elsewhere. With all the major communities having Eruvs, there is simply no reason for significant demographic movement and no expectation that this will occur.

In fact, because of their low birth rate, inter-marriage and emigration, the Jewish population of the UK is shrinking overall. Even with an Eruv, this trend is likely to continue.

It is not fair or accurate to describe the poles as anti-Christian. They are neither visually anti-Christian nor are they symbolic of any anti-Christian sentiment. In fact the poles have no intrinsic religious significance whatsoever. An Eruv is created when an area is enclosed by a wall or fence. For the most part, the walls and fences enclosing all the Eruvs that have been created worldwide comprise existing features, such as walls and fences along or around roads, railways and buildings. Poles and wires just bridge the gaps between these walls and fences. However, neither these walls nor fences nor poles have any intrinsic religious significance, symbolism or sanctity.

A grey-green pole no more forces religious beliefs on to others than a telegraph pole forces someone to install a telephone. Indeed, the poles are far less intrusive and have no religious symbolism when compared to say Christmas lights or church bells. Within a few weeks, the poles will become an accepted part of the streetscape and will be forgotten. We have asked many people to identify the location of any of the NW London Eruv poles, which have been in situ for about 9 years. None has been able to, even though, once we have pointed out some locations, they admit to having driven between them on a daily basis.

Section 149 of the Equality Act 2010 came into force in April 2011. Since that date, planning permission has been granted for the Manchester Eruv by each of Salford, Bury and Manchester Councils. In each case there was opposition on human rights, conservation, religious and animal welfare grounds. However, notwithstanding these objections, and no doubt mindful of the provisions of section 149, planning permission was granted by each Council, the most recent being Salford in December 2011. We attach a copy newspaper report about the Manchester Eruv to this Response as **Appendix G**.

Conclusions

The construction of the Woodside Park Synagogue and Barnet Synagogue Eruvs will significantly enhance the lives of many hundreds of Jewish residents of the London Borough of Barnet who, either because of their young age cannot be taken out on Friday night, Saturday and the Day of Atonement because they require a pram or push-chair, or, because of their old age or disability, cannot go out on these days because they need a wheelchair, walking-stick or medication. The construction of the Eruvs will accordingly advance equality of opportunity between these persons, who share the relevant protected characteristic of age or disability, and persons who do not share it. As such, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(b) of the Equality Act 2010.

The construction and operation of Eruvs in NW London, Edgware, Stanmore and Elstree & Borehamwood over the past 9 years have not given rise to any objections from other faith groups, who generally have been keen to encourage inclusive religious practice. No objections have been raised by local Residents Associations to the proposed Woodside Park Synagogue and Barnet Synagogue Eruvs and the small number of poles required in order to construct these Eruvs will have no material impact on the other residents of the Borough. In these circumstances, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(c) of the Equality Act 2010.

Appendix A

34 letters of support from members of the Woodside Park Synagogue. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- The disabled will be able to carry/ use required aids such as walking sticks, wheelchairs, handkerchiefs and medicine without transgressing Jewish law (19)
- Disabled and elderly would be able to fully participate in Jewish life on the Sabbath, socialise and attend services (10)
- Synagogue has a membership of 860 families and a number of elderly and young are affected (1)
- Need special prayer book for high festivals but am unable to carry this. Must make a special journey before and after to deliver and collect (2)
- children cannot be pushed in a pushchair meaning members cannot attend synagogue until the children are old enough to walk (19)
- Lack of an Eruv prevents socialising with friends and family on a Sabbath as journey impossible without a buggy (18)
- When children were growing up we were unable to attend synagogue or social activities for 8 years. Would not wish children and grandchildren to be similarly disadvantaged. (1)
- Eruv would benefit those with young children (8)
- 27% of the UK's Jewish population lives in Barnet (20% of the local population). Not allowing an Eruv may be discriminatory in that it prevents a substantial number from enjoying rights to religious freedom (1)
- Young Jewish families would be forced to move to nearby communities that already have an Eruv (1)
- Garden is not enclosed so am unable to carry anything into the garden or allow granddaughter to be wheeled out in pram (1)
- Unable to carry an umbrella so heavy rain can impede walking (1)
- Reading glasses could be carried (1)
- Approval of the Eruv will enable the synagogue to comply with section 149 of the Equality Act 2010 which will prevent members being disadvantaged through age or disability (1)

Appendix B

3 letters of supports from individuals living in the borough of Barnet in areas within an Eruv. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- Before the Eruv were unable to push children in buggy. Following the introduction of the Eruv the synagogue became accessible (2)
- Eruv allows young family to visit parks, family and socialise on the Sabbath (2)
- Eruv removed disadvantage when children were young (1)
- Eruv enables the disabled to fully participate in the community (1)

Appendix C

Summary of letter from Rabbi Hamer Finchley Central Synagogue:

- Approx 3 years ago, following a steady decrease in activity and membership, the synagogue moved Sabbath services to a location within the North West London Eruv.
- Previously the synagogue had been unable to attract families with young children or the elderly who needed wheelchair assistance.
- Following the move the synagogue has been able to attract young families and now have 2 children's services on the Sabbath.
- Elderly members of the community have been able to attend
- Additional families have caused a rejuvenation in the synagogue which would not have happened if synagogue has stayed in old location

Appendix D

Summary of letter of support from the Board of Deputies of British Jews (The BoD):

- Endorse the response from the Woodside Park synagogue regarding Section 149 of the equality Act 2010.
- the advantages to those who use the Eruv are considerable and life changing
- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- the Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- Whilst the duties under the Equality Act may be new or enhanced the material facts to which regard must be had remain the same
- The BoD represents all Jews in the country, including the non Orthodox and the secular, for whom the Eruv is an irrelevance or something to which they object
- Some Jewish people feel that an Eruv draws attention to the Jewish community and oppose its introduction
- In the experience of the BoD these fear have proved unfounded
- the Community Security Trust records antisemitic incidents in the UK. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat.
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings as senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made

aware of any objections from these groups to an Eruv.

- from experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- Never been made aware of any incidents where a sight impaired or otherwise disabled person has been inconvenienced, still less injured, by the existence of an Eruv.
- Provision has been made to ensure that this remains the case. The rules for the construction of an Eruv are pragmatic and flexible and it is a requirement in Jewish law that nothing should be done or left undone that might cause injury to another person.
- The existence of an Eruv will make life more tolerable for religiously observant Jews who are disabled or have young children. They will be able to leave home, attend synagogue and visit friends and family.
- Can be argued that Section 149 of the Equality Act favours the establishment of facilities that would assist those with the dual protected characteristic of being Jewish and disabled for example
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.
- The best case for an Eruv in Woodside park is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

Appendix E

Summary of letter of support from the Court of the Chief Rabbi

- have been asked to clarify the issue of positioning of Eruv poles and whether they are likely to create a hazard for the blind and disabled.
- Under Jewish Law the poles are required to be positioned directly adjacent to the wall, fence or hedge at the side of the pavement and are thus extremely unlikely to create any kind of obstruction
- In the 9 years that the NW London Eruv has been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs
- One of the great advantages of the Eruv is to better facilitate the movement of the disabled and infirm of the Jewish faith on the Sabbath.
- There is often a degree of flexibilities to the precise position of a pole, so that if in

a particular scenario there was any concern in this regard, we expect to be able to find an alternative position so as to avoid any potential problem.

Appendix F

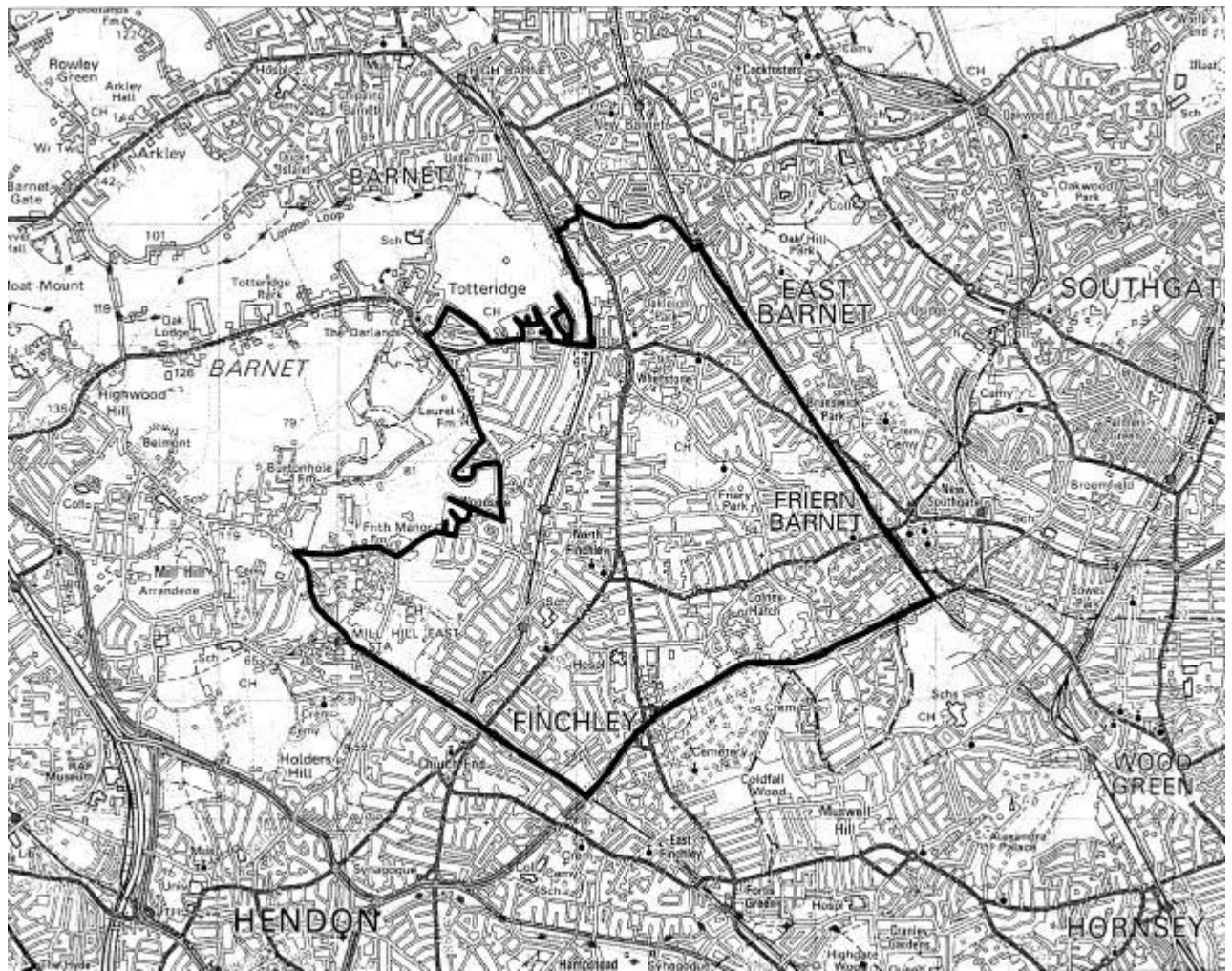
Details of alternative site 22 sited 200 metres from St Andrew's Church.

Appendix G

Newspaper report from the Jewish Chronical regarding the recently approved Manchester Eruv.

SITE LOCATION PLAN: Woodside Park ERUV

REFERENCE: B/03356/11



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LOCATION: Belmont Farm, The Ridgeway, London, NW7 1QT

REFERENCE: H/01150/12

Received: 21 March 2012

Accepted: 23 April 2012

WARD: Mill Hill

Expiry: 18 June 2012

AGENDA ITEM 9

Final Revisions:

APPLICANT: Mr Reid

PROPOSAL: Change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

RECOMMENDATION I:

The application be referred to the Mayor of London under Article 5 of the Town & Country Planning (Mayor of London) Order 2008.

RECOMMENDATION II:

Subject to obtaining the Mayor's decision not to direct refusal, that the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Requirement to submit Travel Plan** **£5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

RECOMMENDATION III:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/01150/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Sk LE-01, Sk LE-02, Sk LE-03, Sk LE-04, Sk LE-05, Sk LE-12a, Sk LE-13a, Sk LE-14, Sk LE-15, 1018 06 Revision D, Site Plan, Environmental Noise Survey, Transport Statement, Design and Access Statement, Letter from David Lane received 12/10/2012.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

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

3. 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.

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.

4. The use hereby permitted shall not be open to customers before 8am or after 6pm on weekdays or before 9am or after 6pm on Saturdays, Sundays and Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

5. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas and fencing 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 visual amenities of the locality.

6. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

7. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of

development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

8. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

9. The car park shall only be used by users and employees of the Children's Farm.

Reason: To protect residential amenity, the character, appearance and openness of the general locality, and ensure highway conditions are not prejudicial to the free flow of traffic.

10. No children's play facilities (permanent or temporary) shall be provided outside the building.

Reason: To protect the character, appearance and openness of the general locality,

11. Prior to the commencement of the development details of outdoor seating/picnic areas shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details thereafter.

Reason: To protect the character, appearance and openness of the general locality.

12. No conferences (including the hosting of business networking events, workshops or seminars) shall take place at any time.

Reason: To ensure activities unrelated to the children's farm and inappropriate in the green belt do not occur.

13. The development shall be implemented in accordance with the layout shown on plans Sk LE-12a, Sk LE-13 and the letter from Sue Broadhead received 12/10/2012, and shall permanently be maintained thereafter.

Reason: To safeguard the openness of the green belt and character of the locality.

14. The level of noise emitted from the mechanical 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.

15. Before development commences, the recommendations of the Clement Acoustics report reference: 7148.ENS.01 dated 16th March 2012 shall be implemented and noise calculation information in relation to the proposed plant shall be submitted to the Local Planning Authority for approval, this should assess the likely noise impacts from the development of the mechanical plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

16. Before the development hereby permitted commences, a Travel Plan, Construction Logistics Plan, and Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason:

To ensure that the development has an acceptable impact on highway and pedestrian safety.

17. The use of the site shall be as a children's farm with associated ancillary facilities only and for no other purpose.

Reason:

To ensure that the development does not harm the openness of the green belt and the amenities of neighbouring occupiers.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, HC1, O1, O2, O6, M11, M12, M14

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS5, CS8, CS9, CS10, CS15.

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM06, DM13, DM14, DM15, DM16, DM17.

National Planning Policy Framework

ii) The proposal is acceptable for the following reason(s): - Overall, it is considered that any harm caused by inappropriateness of the development within the green belt is justified by the very special circumstances in support of the application. The proposals would be acceptable in the terms of development management policy DM15 which states that '*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 and would harm their visual amenity.*' The proposals would promote farm diversification, provide economic benefits to the local economy, and would provide community and educational benefits. The conditions attached would minimise any harm to the residential amenities of neighbouring occupiers, and the proposals would preserve the character and appearance of Mill Hill Conservation Area.

2. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that buildings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and

7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

3. The council recognise that the existing use as a Children's Farm is unauthorised and would need to be removed in order to implement this permission.

The applicant is advised that the existing use must cease within 6 months of the date of this permission, otherwise the Council will prosecute against non-compliance with the existing enforcement notice.

RECOMMENDATION IV

That if an agreement has not been completed by 23/01/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/01150/12 under delegated powers for the following reasons:

1. The development does not include a formal undertaking to meet the monitoring costs associated with the travel plan, and as a result it is considered that the proposals would have a harmful impact on highway and pedestrian safety, contrary to Policy DM17 of the Adopted Development Management Policies 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

Sections 1,3,4,9 and 12 are considered particularly relevant to this application

The Mayor's London Plan July 2011: 2.18, 5.3, 6.1, 7.4, 7.6, 7.16, 7.22

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, GBEnv4,D1, D2, D3, D4, D5, HC1, O1, O2, O6, M11, M12, M14 .

Supplementary Planning Document: Sustainable Design and Construction

Mill Hill Conservation Area Character Appraisal Statement

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS9, CS10, CS15.

Development Management Policies (Adopted) 2012:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM06, DM13, DM14, DM15, DM16, DM17.

Relevant Planning History:

W00180BM/04 - Conversion of disused stable blocks to mixed use Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink) and Class B1 (office). - Refused - Dismissed at Appeal - 16/06/2004

W00180BN/04 - Change of use of indoor riding arena to office (B1) & storage (B8). - Refused - Dismissed at Appeal - 19/05/2004

W00180BP/04 - Change of use indoor riding arena (D2) to 2 residential units (Class C2). - Refused - Dismissed at Appeal - 16/06/2004

W00180BR/07 - Siting of mobile home for residential use. - Lawful - 03/10/2007

An enforcement notice has been served against 'Without planning permission, change of use to incorporate a mixed children's farm and café use (including the hosting of business networking events). The erection of fences, animal and bird enclosures and apparatus.' under reference ENF/01575/09/H and appeal dismissed

and enforcement notice upheld. A copy of the appeal decision is attached as an appendix.

Consultations and Views Expressed:

Neighbours Consulted: 160
Neighbours Wishing To 2
Speak

Replies: 91

7 Objections to the planning application were received including objections from Mill Hill Preservation Society and Mill Hill Conservation Area Advisory Committee.

Mill Hill CAAC object on the following grounds:

Whilst we acknowledge that it is a popular visitor attraction, it has grown over the years in intensity of customer usage, development of hard standing and buildings (eg the waffle restaurant), and increased advertising, all of which has never received planning permission. It now threatens the integrity of the Green Belt in Mill Hill and jeopardises the Conservation Area. This current application to relocate the petting farm does nothing to address our concerns. These are specifically:

1. Green Belt and land-use principle (points 21 to 28 of the GLA letter)

One of the main purposes of the Green Belt is "to assist in safeguarding the countryside from encroachment". This application goes contrary to that purpose by seeking to move the petting farm further down into the Totteridge Valley and erect animal pens around the existing indoor riding school. This will intensify pedestrian and vehicle activity and buildings in the Valley to the detriment of its rural quality. (On this point please note that the planning application incorrectly states (point 24 Site Visit) that the site cannot be seen from a public footpath. It can be seen from many positions on the footpath which crosses the Valley from St. Paull's School to Totteridge Common).

2. Transport for London's comments (points 36 to 46 of the GLA letter)

Given the acknowledged low PTAL of the site most visitors come by car. This has already entailed the building of a large car park with a separate in and out access. This is damaging to the openness of the Green Belt and to the amenity of the immediate neighbour of the site. "Breakfast" meetings have added to unsociable traffic movements on the site. This situation will be made worse if this planning application is permitted. Car parking provision will increase from 92 to 142 spaces. It is not acceptable to concede that if the farm is relocated, the 92 space car park will return to open land as garden to a residential development where the existing farm now is. Firstly, there are absolutely no special circumstances to justify such a residential development in the Green Belt. Secondly, if the 92 space car park were removed the proposed new 50 space car park would be totally inadequate.

The 6 other objections raised may be summarised as follows:

- Locating children's farm, car parking and associated facilities further into valley would be harmful to surrounding area and green belt
- Noise, disturbance and visual pollution of motor vehicles would harm neighbouring amenities
- Would impact views along the Totteridge Valley, being out of character with rural outlook.
- Development would be inappropriate development and there are no very special circumstances that warrant its approval
- Increase in intensity of use and car parking would harm openness of green belt
- The proposals would harm the rural character and appearance of this part of Mill Hill Conservation Area
- Sole access for children's farm would be dangerous even if it is to be widened.
- Closure of unauthorised access further into site does not justify development
- How would proposed access relate to bungalow sought permission for in application H/00554/12? If used in conjunction this would be dangerous.
- Noise and disturbance, loss of privacy from customers
- Children's farm does not need to have opening hours 7am-10pm weekdays and 9am-10pm weekends. This indicates that other businesses activities other than those specified will take place.
- The current farm operates from 9am-6pm (5pm in winter)
- Cafe itself would generate activity and is a destination in its own right. This should be for paying customers only.
- The fences and advertisement hoardings should be removed.
- The application exaggerates the agricultural credentials and supposed compatibility with the Green Belt, yet is also trying to gain approval for a new bungalow. The applicant says that the large ugly car park will only be removed if the housing development is granted.
- Why is the children's farm still running when the use should have ceased?

82 Letters of support were received within the consultation period. These can be summarised as follows:

- It prevents the closure of a highly valued public amenity
- It provides public access into the beautiful Belmont countryside that the public would not otherwise be able to enjoy.
- It provides a much needed refreshment facility where the public can also interface with the farm animals and the countryside.
- It provides a much needed amenity / attraction for all members of the community to enjoy Belmont's farm animals.
- The farm provides a major educational facility particularly for the young albeit it is enjoyed by all ages.
- The rural experience that a facility such as this provides is unique in the London Borough of Barnet.
- The farm is sustainable in terms of transport.
- The application safeguards 19 jobs and apprenticeships.
- Potential for young to gain vital work experience .
- Provides a valuable community centre.

A further 23 letters of support have been received after the consultation period expired, and another 26 without any address.

Internal /Other Consultations:

Mill Hill Preservation Society - Object on the following grounds:

1. The proposed children's farm constitutes inappropriate development in the Green Belt as it would not preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt.

2 .The proposed children's farm would lead to an intensification of use in the Green Belt, and would introduce other, non-ancillary and inappropriate uses within the Green Belt.

3. The applicant has not demonstrated that there are any very special circumstances that would outweigh the harm of the proposed development.

- Mill Hill Residents Association - No response formally received.
- Environmental Health - No objection.
- Traffic & Development - No objection, comments contained within report
- Urban Design & Heritage - No objection
- Greater London Authority - At Stage 1, Have advised that on balance the scheme does not comply with the London Plan. However since this time additional information has been received and in the opinion of Council officers this addresses the concerns raised. The Scheme needs to be referred to the Mayor at Stage 2 should the committee resolve to approve the application.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The proposal site is a parcel of land at Belmont Farm located on the east side of The Ridgeway (within Mill Hill Conservation Area, and Area of Special Character). Part of the site has been used as a riding centre in the past and comprises a building formerly used as an indoor riding school. The unauthorised farm currently occupies what was previously used as a stable block.

The area adjoining The Ridgeway is predominately residential in character however there are a number of schools and similar institutional establishments in the wider area. The land is undulating and there are numerous mature trees along the main roads. The area is designated Green Belt.

The wider holding at Belmont Farm covers an area of some 81 hectares. In appeal decisions in early 2003 the Belmont Estate was found to be a single planning unit in a mixed use consisting of equestrian, agricultural and residential uses. Around that time the primary activity on the planning unit was breeding and training racehorses. Other equestrian activities included the playing of field and arena polo, riding holidays and teaching. The indoor riding centre was used for the stabling of horses and the separate stables complex was disused.

At the present time the mix of equestrian, agriculture and residential use continues, primarily on the land to the north and north east of the appeal site. However, the type and scale of some of the equestrian activities and the agricultural use have changed. There are now some 40 horses on site, compared to 120 to 140 horses and ponies in the past. A carriage driving school has become popular. The indoor equestrian centre ceased in 2000 and the number of riding lessons is now small. A pony club and a polo club continue and the training and breeding of racehorses remain important. Holidays have been provided via the Children's Holiday Fund. The number of sheep on the holding has been considerably reduced and the emphasis now is on rare breeds. Large farm vehicles, which are used on the appellants farm at Sandridge, are kept at Belmont. The farm yard also has a modern barn that is used as workshops and to house tractors, farm equipment and so on. The residential use comprises a mobile home and associated small garden near the farm yard.

Proposal:

The proposals are for change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm with addition of animal enclosures and alterations to existing access and provision of 50 no. car parking spaces.

Planning Considerations:

Background

The site has long been home to a sui generis composite of a number of uses broadly relating to agriculture and equestrianism and including residential (twin unit caravan granted certificate of lawfulness, June 2008). This mixture of primary uses on the site is as recognised by the decision of the High Court in 2003. One consequence of a sui generis designation is that none of the component parts benefit from their individual 'Use Class' classification and as such, any material change to its composition requires planning permission.

An enforcement notice was issued against the childrens farm, and waffle house previously in 2010. At the time of the appeal the Council considered that the principle of the children's farm use would not in this case conflict with policy. However, the intensification that arose as a result of the range of facilities provided, the unrestricted nature of the use, and the amount of operational development, harms openness in green belt terms and adversely affects the character and appearance of this part of the conservation area. Whilst unrestricted, it is also considered that the development harms the amenities enjoyed by the occupiers of neighbouring residential properties.

The inspector at the appeal went on to dismiss the appeal, summarising that:

'The benefits of farm diversification are primarily through the jobs provided and the valuable educational and community role of the children's farm. The accessibility of the site is an asset. These are forceful arguments in favour of the development that have the support of national policies emphasising job creation and provision of community facilities. The public benefit would justify the development under policy HE9.4. (PPS4) However, the question is whether the economic and social 'public benefit' considerations clearly outweigh the totality of the harm arising from the inappropriateness of the development in the green belt and the other harm identified. The London Plan has reaffirmed that the strongest protection should be given to London's green belt. The harm, to the openness and visual amenity of the green belt, the Conservation Area and neighbour amenity, add very significantly to the substantial weight against the inappropriate development. Objections are unable to be overcome by the use of planning conditions, where lack of agreement over the size of the car park and the uncertainty over a layout and landscape scheme, are critical factors. Whilst Policy EC6.2f of PPS 4 supports farm diversification for business purposes, it does so where diversification is consistent in its scale and environmental impact with its rural location. The development does not satisfy this objective. After a lot of thought I conclude that the other considerations do not clearly outweigh the harm identified. Very special circumstances necessary to justify the development do not exist. The balance is against the development.'

The main issues are considered to be:

- Whether the use of the site for the purposes intended is a form of inappropriate development in the Green Belt and if so are there any very special circumstances
-

which outweigh this harm? (Including whether the associated facilities are reasonably required as part of the farm or form a separate use)

- Whether the proposals would preserve or enhance the character and appearance of Mill Hill conservation Area
- Whether the proposals would harm neighbouring amenity
- Whether the proposals would harm highway safety
- Whether the proposals are acceptable in sustainability terms
- Any Section 106 Issues

Policy Context:

Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places

We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Developments should :

:

address the principles, aims and objectives set out in the following national design guidance :

By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life:

- be safe, attractive and fully accessible
- provide vibrant, attractive and accessible public spaces
- respect and enhance the distinctive natural landscapes of Barnet
- protect and enhance the gardens of residential properties
- protect important local views from places within Barnet (as set out in Map 8)
- enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable

All development should maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security.

Policy CS 8 – Promoting a strong and prosperous Barnet

The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement.

Policy CS 9 – Providing safe, effective and efficient travel

'We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

We will ensure that new development funds infrastructure (through Community Infrastructure Levy (CIL), Section 106 and other funding mechanisms) that enables Barnet to keep the existing traffic moving and cope with new movements both by all modes of transport.

Ensuring more efficient use of the local road network

In order to enable traffic to flow more smoothly we will prioritise the reduction of congestion, including through encouraging trips to route according to the road hierarchy, the implementation of development related schemes that also address pinch-points, a review of traffic signals, parking management measures and more efficient freight movements.

Policy CS 10 – Enabling Inclusive and Integrated Community Facilities and Uses

'The council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

We will:

ensure that our programmes for capital investment in schools and services for young people address the needs of a growing, more diverse and increasingly younger population promote the role of schools as 'community hubs', providing a wide range of educational, advice, leisure and support services to children, families and the wider community support the enhancement and inclusive design of community facilities ensuring their efficient use, and the provision of multi-purpose community hubs that can provide a range of services to the community at a single accessible location expect development that increases the demand for community facilities and services to make appropriate contributions towards new and accessible facilities, particularly within the regeneration and development areas of the borough or improving existing provision, particularly within town centres

work with the Mayor and cemetery providers to establish current supply of burial space, identify barriers to supply and any necessary changes to planning policy.

In addressing educational needs within Barnet and responding to the need for parental choice we will support proposals for parent promoted schools or 'Free Schools' that.'

Policy DM01 states that:

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.
- d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Policy DM03 advises that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

- i. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- ii. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- iii. are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways
- iv. are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

Policy DM04 of the Development Management Policies seeks to separate noise sensitive developments from noise generating sources.

Policy DM06 states that:

- a. All heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Proposals affecting heritage assets which respond to climate change will be expected to maintain the quality of the heritage asset.
- b. Development proposals must preserve or enhance the character and appearance of Conservation Areas.
- c. Proposals involving or affecting the heritage assets set out in table 5.1 should demonstrate they comply with the principles set out in PPS5: Planning for the Historic Environment policy HE6 to HE12.
- d. There will be a presumption in favour of retaining all locally listed buildings and any buildings which makes a positive contribution to the character or appearance of a conservation area.
- e. Archaeological remains will be protected in particular in the identified Local Areas of Special Archaeological Significance and elsewhere in the borough. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact

Policy DM13 advises that new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties

Policy DM15:

a: Green Belt / Metropolitan Open Land

1. Development proposals in Green Belt are required to comply with Planning Policy Guidance 2: Green Belt. In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).

2. 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 and would harm their visual amenity.

3. The construction of new buildings, and changes of use of existing land and buildings, within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:

- i. Agriculture, horticulture and woodland;
- ii. Nature conservation and wildlife use; or
- iii. 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.

4. 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.

5. The replacement or re-use of buildings will not be permitted where they would have a greater adverse impact on the openness of the area or the purposes of including land in it, compared with the dwellings they replace or the previous buildings use.

6. Development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

b: Open Space

1. Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- i. The development proposal is a small scale ancillary use which supports the use of the open space or
- ii. 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.

2. 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 16.3.7].

Policy DM17 states that:

a: Road Safety

The Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

b: Road Hierarchy

The Council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy. In taking into account the function of adjacent roads the council may refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in an area

c: Development, Location and Accessibility

The Council will expect major development proposals with the potential for significant trip generation to be in locations which are, or will be made, highly accessible by a range of transport modes.

d: Transport Assessment

In considering planning applications for new development, the Council will require developers to submit a full Transport Assessment (as defined by Department for Transport criteria) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. This assessment should include an analysis of accessibility by all modes of transport.

e: Travel Planning

For significant trip generating developments, (defined by Department for Transport criteria), the Council will require the occupier to develop, implement and maintain a satisfactory Travel Plan (or plans) to minimise increases in road traffic and meet mode split targets. In order to ensure that they are delivering this the travel plan will need to contain measurable outputs so that they can be monitored.

f: Local Infrastructure Needs

i. Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.

ii. The Council will expect development to provide safe and suitable access arrangements for all road users to new developments. Where improvements or changes to the road network are necessary by virtue of an approved development, the Council will secure a Legal Agreement from the developer.

iii. The Council will require appropriate measures to control vehicle movements, servicing and delivery arrangements. Where appropriate the Council will require Construction Management and/or Delivery and Servicing Plans.

iv. Where appropriate, development will be required to improve cycle and pedestrian facilities in the local catchment area by providing facilities on site and/or funding improvements off site

g: Parking management

1. The Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the standards will be:

i. 2 or more spaces per unit for detached and semi detached houses (4 or more bedrooms)

ii. 1 or more spaces per unit for terraced houses and flats (1 to 3 bedrooms)

2. Residential development may be acceptable which proposes limited or no parking where either of the following can be demonstrated:

i. surveys indicate that there is sufficient on-street parking capacity and

ii. In cases where the proposal is within a Controlled Parking Zone (CPZ) or town centre and surveys indicate there is not sufficient on street parking capacity, the roads outside a CPZ which are in close proximity to the proposal will need to have sufficient on-street parking capacity to accommodate parking from the development and the applicant is willing to enter into a legal agreement which restricts future occupiers from obtaining on street parking permits.

London Plan policy 7.16 states that 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.

Policy 7.22 of The London Plan encourages a thriving farming and land based sector particularly in the green belt but the development plan has no specific policy on farm diversification.

Paragraph 88 of the National Planning Policy Framework 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, is clearly outweighed by other considerations.

Paragraph 89 states that A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 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;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

UDP policies O1 and O6 reflect the principles of the NPPF in terms of the protection of green belt land. Other relevant UDP policies support proposals which respect local character, sustainable development and high quality design (GSD, GBEnv1, GBEnv2, D1, D2), preserve, safeguard or enhance the character and appearance of areas of special character and conservation areas (GBEnv4, HC1, HC5) and provide tourist attractions and facilities where there is no demonstrably harmful impact on the

surrounding area (GL2 and L7). Policy Env12 protects noise sensitive locations like residential properties from harmful noise generating activities.

Policy HC1 of the Council's adopted UDP requires development located in a conservation area to preserve or enhance the character and appearance of the conservation area.

Policy HC5 requires development to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character (policy and map attached in appendix 3).

Whether the use of the site for the purposes intended is a form of inappropriate development in the Green Belt and if so are there any very special circumstances which outweigh this harm?

Whether the development is inappropriate development

It was established at the previous appeal that the development was inappropriate in terms of the impact on the green belt. The inspector commented:

'The current position is that the 92 space car park is more formally laid out with an in-out arrangement, demarcation of blocks of parking and a hard surface in a good state of repair. It is well used, with a regular turnover of cars. Openness has not been maintained...

The land behind Sheepwash Pond was described in the 2005 appeal decision as an area of trees and other vegetation. It is now occupied by animal and bird enclosures.

A loss of openness has occurred...

The children's farm and associated structures are inappropriate development, which is by definition harmful to the green belt. In view of the presumption against inappropriate development, the harm has substantial weight.'

The current proposals seek to relocate the farm to the area within and around the existing Indoor Riding Centre. The existing animal and bird enclosures would be removed from their current locations around the stable block part of the site.

Enclosures for animals and birds would be constructed around the indoor riding centre with internal and external areas. The inspector at the previous appeal commented that the enclosures forming part of the current farm are prejudicial to the openness of the green belt. However, in the proposed location, they would be viewed against the backdrop of the indoor riding centre. The riding centre building is a two storey building, of rather utilitarian appearance with dark stained timber cladding and some high level glazing. However the building is well hidden due to the relief of the land, being at a lower level than that visible from the street. Views of the enclosures would be limited from closer to The Ridgeway than the existing unauthorised structures. The larger structures would also be removed.

Against the backdrop of the indoor riding centre, it is considered that the visual impact of enclosures being constructed would be more limited than those of the currently unauthorised development. However this does not prevent the development from being inappropriate in planning terms.

The development is inappropriate development within the green belt. It is therefore necessary to determine whether there are any very special circumstances that may justify the development.

The plans submitted show kitchen, cafe, family area, teaching , cinema area at mezzanine level.

The applicant advises that:

The kitchen area would serve the family room and cafe. This would replace the existing cafe which the inspector accepted would need to remain ancillary to the children's farm. The applicant advises that they would accept a condition to this effect.

The teaching area would provide an indoor area for teaching purposes.

The children's play and party room would provide a separate indoor area for children without the educational emphasis. This would have capacity of up to 44 children.

If the proposals are considered to be acceptable, it is necessary to control these to ensure that the activities taking place are ancillary to the main use as a children's farm. Conditions would need to be attached to ensure this, and prevent the uses from being inappropriate in green belt terms.

Whilst it is accepted that these are associated to the use as a children's farm itself, the development itself is considered to be inappropriate development.

As part of the proposals, the existing front car park would be replaced by soft landscaping. The smaller car park closer to the proposed children's farm location would remain.

No weight can be given to any landscaping improvements, given that the existing front car park is unauthorised, though the inspector did consider that this feature in particular was detrimental to the openness of the green belt.

It is noted that there is a concurrent application reference H/00554/12 for the conversion of the former stable block (which forms part of the unauthorised farm) to form a dwelling.

A decision regarding this application has not been made. Therefore it needs to be considered that the application may or may not be approved. The merits of that application will need to be considered when that application is determined. The unauthorised parts of the farm would need to be removed in any case and a condition could be attached to any grant of permission ensuring that the area is landscaped to the Council's satisfaction. The applicant has submitted a landscaping

plan showing that the stable area and car park would be returned to their former condition.

It should be noted that the previous riding centre use would have generate significant activity during the day. Though the current proposals would generate activity, the area in question used to be used as an indoor riding centre, which would have generated significant activity in itself.

Benefits provided by farm diversification

At the previous appeal, the inspector noted that national planning policy advises that *'favourable consideration should be given to proposals for diversification in the Green Belt, where openness is preserved and there is no conflict with the purposes of including land within it. In cases of inappropriate development, any wider benefits of the farm diversification may contribute to the 'very special circumstances'. Re-use of buildings is encouraged and account must be taken of the amenity of nearby residents who may be adversely affected by new types of on-farm development.'*

The development would provide economic benefits in terms of job creation. The children's farm has provided around 15-19 jobs and three opportunities for apprenticeships, opportunities that the appellants wish to develop in the future. The contribution to the local economy has significant weight as identified by the appeal inspector.

The site is in a sustainable location, accessible by public transport and within walking/cycling distance of residential areas. It is noted that the sustainable location is of benefit to the development of the children's farm as an educational and community resource.

It is considered that these benefits need to be weighed up as 'very special circumstances' in favour of the application.

Benefits as an educational/community facility

The educational and community benefits of the children's farm have been identified by the previous appeal inspector.

The applicant has advised that the concept of the children's farm is to provide an educational facility where children could learn about animals and farming by viewing the animals and by riding on the tractor trailer around the wider holding. Educational packs are available and an educational programme has been developed. Three to five schools a week have visited since the Spring. Educational films are shown and historic farm implements displayed in the café.

A number of letters of support have been received stating that the children's farm is a welcome and valued asset in the community. At the previous enforcement appeal, support has been received from colleges and educational establishments. They emphasise the enjoyment that the farm gives, along with the opportunity to learn

about food, farming and the environment. However it must be considered that the petitions were part of a campaign to Save Belmont Children's Farm and were promoted on the basis of only one side of the argument, with a number of objections also being received. However, the inspector commented that 'The role of the children's farm as a community and educational resource has substantial weight.'

The educational and community benefits of the farm need to be weighed up as 'very special circumstances' in favour of the application.

Weighing up very special circumstances against harm identified

The inspector at the enforcement appeal commented that it was necessary to weigh up whether there were very special circumstances in favour of the development. However the inspector concluded that the harm caused by the inappropriateness of the development within the green belt warranted the dismissal of the appeal.

However, whilst it is considered that the proposals would still be inappropriate development within the Green Belt, the harm to the openness of the green belt is considerably less given the revised siting of the children's farm.

In this way it is considered that the balance has shifted, such that the harm caused by the inappropriateness of the development in green belt terms is now outweighed by the benefits of the development. In this way it is considered that there are very special circumstances as described in the NPPF that would justify it in green belt terms.

Impact on the visual amenities of the green belt

The inspector also commented that the children's farm caused harm to visual amenities of the green belt, though this is confined to short distance views from The Ridgeway and has a moderate adverse impact.

As a result of the relocation of the children's farm, it would be sited further into the valley at a lower level. Therefore it would not impact the views the inspector referred to previously. It is recognised that the new location is also sensitive given the views across the Totteridge Valley and its rural character. However, the children's farm would be viewed against the backdrop of the indoor riding centre. Given the presence of the indoor riding centre and the more limited visibility of this part of the site, it is not considered that the proposals would harm the visual amenities of the green belt.

Whether the proposals would preserve or enhance the character and appearance of Mill Hill Conservation Area

At the enforcement appeal, the inspector determined that the proposals were harmful to the character and appearance of Mill Hill Conservation Area and that the car parking, structures and promotional material detracts from the open character, the

rural views and landscape features that make an important contribution to the quality of the local built and natural environment.

The proposals would site the Children's Farm around the existing Indoor Riding Centre. Whilst the proposals would be visible from some public footpaths, its prominence would be diminished and it would not be visible from The Ridgeway or other major public viewpoints. It would also be sited further from Sheepwash Pond. The Indoor riding Centre building is somewhat drab in its appearance. It is not considered that the siting of enclosures around the building would detract from its appearance, nor would it detract from the character and appearance of Mill Hill Conservation Area. The building itself lies just outside the Conservation Area boundary.

The existing front car park is unauthorised, and therefore its removal and subsequent landscaping cannot be given any weight in terms of the improvement to the appearance of the area; it is just restoring the land to its lawful state.

It is considered that the proposals would have a neutral impact overall on the appearance of the conservation area, preserving its character and appearance.

Impact on the amenities of neighbouring occupiers

The inspector at the previous appeal noted that the residential amenity of nearby residents has been significantly harmed by the development.

In terms of the impact on Millbrae, they commented that 'Most of the vehicular activity generated by the children's farm would be in close proximity to Millbrae. There would be noise from car doors shutting, engines starting and revving and vehicles exiting the car park. Additional noise would arise from the visitors chatting, laughing and so on. The occupants of the house also highlighted the disturbance from the early morning business networking events at the café and from delivery vehicles. This activity would amount to considerable disturbance to the occupiers of the dwelling because it would occur every day of the week, including weekends and holidays and because it would be at the rear of the house, away from the noise of the main road. The enjoyment of the private garden would be most affected. The increased depth of the frontage landscaping on the appeal site would have very little, if any, effect in mitigating the noise. There also would be a small loss of privacy because of the relationship of some of the upper floor windows to the site.'

The inspector also commented that the probability is that the children's farm has resulted in greater numbers of vehicle movements and a more intensive use of the car park area to the detriment of the living conditions of the occupiers of Millbrae.

Under the current proposals, the access on the side nearest Millbrae running alongside that property would be closed. The access would now be approximately 30m from the boundary with Millbrae. Therefore vehicles accessing the children's farm would not be as close to Millbrae, and less likely to cause noise and disturbance to this property. As a result of the proposed relocation of the access, it is

considered that the proposals would not materially harm the residential or visual amenities of the occupiers of Millbrae.

The residential property Sheepwood lies to the south east of the site. Currently there are animal enclosures in close proximity to the property which the inspector identified as causing harm to neighbouring amenity. The proposals would involve re-locating the farm further away from the property. The majority of activity would take place within the former indoor riding centre. As a result, it is considered that the relocated farm and access would be unlikely to materially harm the residential or visual amenities of the occupiers of Sheepwood.

Impact on highway safety

Full comments from highway officers will be presented in the addendum to the report.

Transport for London initially commented that the scheme did not comply with London Plan policy.

This was because it needed to be demonstrated how inclusive access would be provided, and that the transport section of the report should address trip generation with regard to parking.

Since this time there has been further discussion with TfL and the applicant has submitted further information. They have commented that:

- In terms of parking, the proposed provision of 50 car parking spaces is acceptable, in light of further comments provided by the application.
- TfL recommends that a condition be imposed that restricts only 50 parking spaces to be used at any one time;
- The level of disabled parking provision is considered acceptable.
- The proposed provision of 10 spaces with Electric Vehicle Charging Point provision is accepted; however a further 10% passive provision should be included.
- TfL welcomes that a separate accessible pedestrian gate from the Ridgeway would be provided.
- The proposed level of cycle parking provision is considered acceptable and should be secured by conditions/ S106 obligations.
- The submission of Travel Plan , Construction Logistics plan (CLP) and Delivery & Servicing Plan (DSP) should be secured by conditions.

It is considered that the proposals would have an acceptable impact on highway and pedestrian safety.

3. COMMENTS ON GROUNDS OF OBJECTIONS AND LETTERS OF SUPPORT

Objections

Whilst we acknowledge that it is a popular visitor attraction, it has grown over the years in intensity of customer usage, development of hard standing and buildings (eg the waffle restaurant), and increased advertising, all of which has never received planning permission. It now threatens the integrity of the Green Belt in Mill Hill and jeopardises the Conservation Area. This current application to relocate the petting farm does nothing to address our concerns. These are specifically:

1. Green Belt and land-use principle (points 21 to 28 of the GLA letter)

One of the main purposes of the Green Belt is "to assist in safeguarding the countryside from encroachment". This application goes contrary to that purpose by seeking to move the petting farm further down into the Totteridge Valley and erect animal pens around the existing indoor riding school. This will intensify pedestrian and vehicle activity and buildings in the Valley to the detriment of its rural quality. (On this point please note that the planning application incorrectly states (point 24 Site Visit) that the site cannot be seen from a public footpath. It can be seen from many positions on the footpath which crosses the Valley from St. Paull's School to Totteridge Common). - *It is noted that the proposals would move the children's farm into an area further into the Totteridge Valley. Whilst it is acknowledged that this is area is rural in character it would have limited impact on views across the valley provided that appropriate conditions are attached to ensure that paraphernalia associated with the children's farm is kept to a minimum. Whilst it is acknowledged that the use is inappropriate in green belt terms, the nature of the use is considered compatible with the rural nature of the site and surrounding area, and any harm is considered to be justified by very special circumstances. Though it is acknowledged that the proposals would involve some increased focus in the intensity of the use of this part of Belmont Farm it needs to be noted that this area formerly was an indoor riding centre and therefore did generate a significant amount of activity.*

2. Transport for London's comments (points 36 to 46 of the GLA letter)

Given the acknowledged low PTAL of the site most visitors come by car. This has already entailed the building of a large car park with a separate in and out access. This is damaging to the openness of the Green Belt and to the amenity of the immediate neighbour of the site. "Breakfast" meetings have added to unsociable traffic movements on the site. This situation will be made worse if this planning application is permitted. Car parking provision will increase from 92 to 142 spaces. It is not acceptable to concede that if the farm is relocated, the 92 space car park will return to open land as garden to a residential development where the existing farm now is. Firstly, there are absolutely no special circumstances to justify such a residential development in the Green Belt. Secondly, if the 92 space car park were removed the proposed new 50 space car park would be totally inadequate.- *The car parking provision is consider acceptable to highway officers and Transport for London. It is not considered that the proposals would have a harmful impact on highway or pedestrian safety.*

The objections raised may be summarised as follows:

- Locating children's farm, car parking and associated facilities further into valley would be harmful to surrounding area and green belt - *This is addressed in the report.*
- Noise, disturbance and visual pollution of motor vehicles would harm neighbouring amenities - *This is addressed in the report.*
- Would impact views along the Totteridge Valley, being out of character with rural outlook.- *This is addressed in the report.*
- Development would be inappropriate development and there are no very special circumstances that warrant its approval - *This is addressed in the report.*
- Increase in intensity of use and car parking would harm openness of green belt - *Addressed in report*
- The proposals would harm the rural character and appearance of this part of Mill Hill Conservation Area - *This is addressed in the report.*
- Sole access for children's farm would be dangerous even if it is to be widened. - *Highway officers consider the widened access to be acceptable.*
- Closure of unauthorised access further into site does not justify development - *This is addressed in the report.*
- How would proposed access relate to bungalow sought permission for in application H/00554/12 If used in conjunction this would be dangerous. - *The proposals show this area to be landscaped. This would need to be assessed if the concurrent application was considered to be acceptable.*
- Noise and disturbance, loss of privacy from customers - *This is addressed in the report.*
- Children's farm does not need to have opening hours 7am-10pm weekdays and 9am-10pm weekends. This indicates that other businesses activities other than those specified will take place. - *Condition would be attached in order to ensure that hours of use does not harm neighbouring amenity*
- The current farm operates from 9am-6pm (5pm in winter) - *This is noted.*
- Cafe itself would generate activity and is a destination in its own right. This should be for paying customers only. - *This was assessed by the inspector at the previous appeal, who considered it unreasonable to restrict this by condition to only paying customers. However the cafe is considered of sufficiently small scale to be considered ancillary to the main use as a children's farm.*

- The fences and advertisement hoardings should be removed. - The hoardings have been removed. The applicant can display one sign lawfully of a certain size.
- The application exaggerates the agricultural credentials and supposed compatibility with the Green Belt, yet is also trying to gain approval for a new bungalow. The applicant says that the large ugly car park will only be removed if the housing development is granted. - *The car park will have to be removed irrespective of the outcome of application H/00554/12.*
- Why is the children's farm still running when the use should have ceased? - *Enforcement action is ongoing and the existing farm will need to be removed from its current location irrespective of the outcome of this application. However a reasonable time period needs to be allowed for any structures/animals to be moved.*

Support

The arguments in favour of the application are generally addressed within the main body of the report.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals involve the creation of a children's farm. It is considered that amenities of residents would not be prejudiced as a result of the proposals. The proposals would comply with London Plan requirements for disabled access.

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

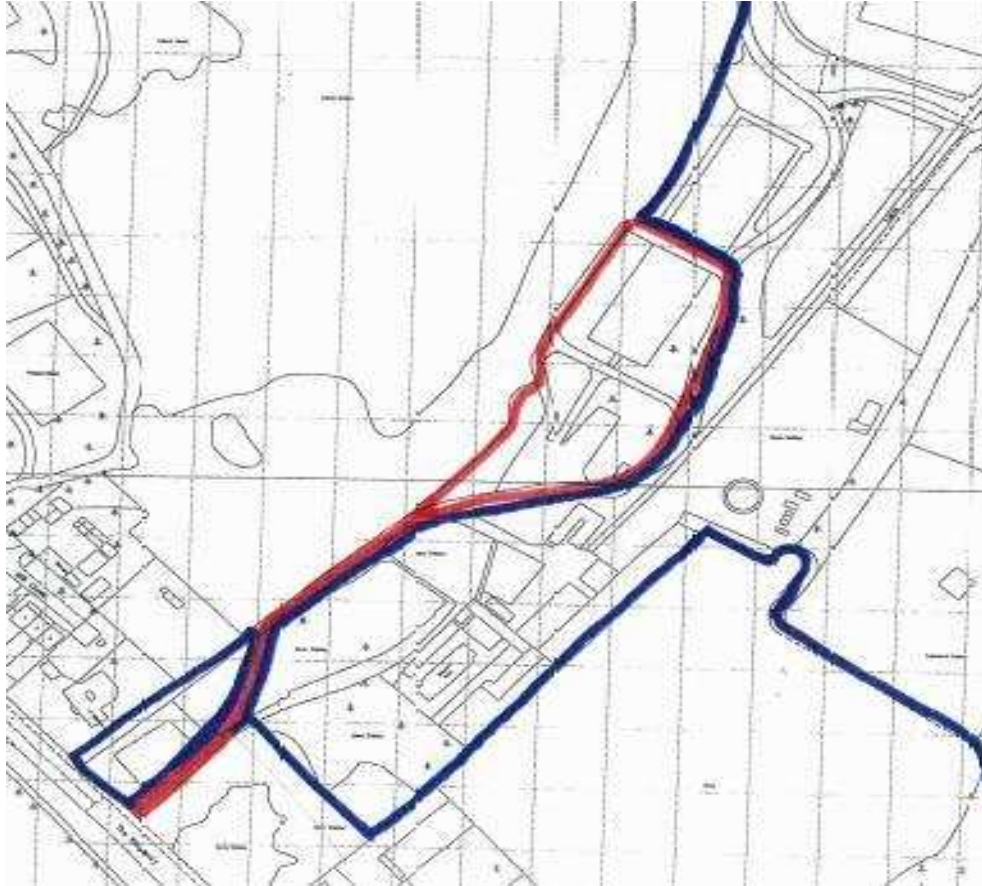
It is necessary to weigh up the above matters in reaching a conclusion.

Overall, it is considered that any harm caused by inappropriateness of the development within the green belt is justified by the very special circumstances in support of the application. The proposals would promote farm diversification, provide economic benefits to the local economy, and would provide community and educational benefits. The conditions attached would minimise any harm to the residential amenities of neighbouring occupiers.

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: Belmont Farm, The Ridgeway, London, NW7 1QT

REFERENCE: H/01150/12



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Appeal Decision

Hearing held on 21 June 2011

Site visit made on 21 June 2011

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2011

Appeal Ref: APP/N5090/C/10/2142219

Land at Belmont Farm, The Ridgeway, London NW7 1QT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Andrew Reid against an enforcement notice issued by the Council of the London Borough of Barnet.
- The Council's reference is ENF/01575/09/H.
- The notice was issued on 5 November 2010.
- The breach of planning control as alleged in the notice is:
 - i. Without planning permission, change of use to incorporate a mixed children's farm and café use (including the hosting of business networking events). The erection of fences, animal and bird enclosures and apparatus.
 - ii. It appears to the Council that the above breach of planning of control has occurred within the last ten years.
- The requirements of the notice are:
 - 1) Cease the use of the site as a children's farm.
 - 2) Cease the use of the café and permanently remove chairs from the café premises, ensuring there is no more than 50 chairs at any time.
 - 3) Cease the use of the café area for the hosting of business networking events.
 - 4) The demolition and removal of the fences, animal and bird enclosures and apparatus.
- The period for compliance with the requirements is three months after the notice takes effect.
- The appeal was made on the grounds set out in section 174(2)(a), (c), (d), (e) and (g) of the Town and Country Planning Act 1990 as amended. The appeal on ground (e) was not pursued and the appeal on ground (d) was withdrawn.

Summary of Decision: The appeal is dismissed, the enforcement notice as corrected and varied upheld and planning permission on the deemed application is refused.

The enforcement notice

1. The Council confirmed that the erection of fences, animal and bird enclosures and apparatus was considered to be operational development. The time limit for taking this type of enforcement action is within four years, beginning with the date on which the operations were substantially completed. This time period was omitted from the wording of the notice.
2. I raised the matter at the hearing but no submissions were made on behalf of the appellant. I have also taken account of the grounds of appeal relied on and

the discussions that took place between the principal parties. I am satisfied that to correct the notice will not cause the appellant injustice.

3. The Council did not comment on or seek to amend the wording of requirement 2 about the chairs in the café, although invited to do so.

Appeal on ground (c) – there has not been a breach of planning control

4. The appellant confirmed at the hearing that the ground (c) appeal applies not only to the café and to the animal and bird enclosures (the matters stated in the grounds of appeal) but also to the change of use to a children's farm.

The children's farm

5. The wider holding at Belmont Farm covers an area of some 81 hectares. In appeal decisions in early 2003¹ the Belmont Estate was found to be a single planning unit in a mixed use consisting of equestrian, agricultural and residential uses. Around that time the primary activity on the planning unit was breeding and training racehorses. Other equestrian activities included the playing of field and arena polo, riding holidays and teaching. The indoor riding centre was used for the stabling of horses and the separate stables complex was disused. A judgement later that year confirmed a change in the components will involve a change in the mixed use itself and, subject to the question of materiality, will amount to development. It was that line of reasoning which was decisive, rather than the creation of a new planning unit².
6. Therefore to succeed the appellant has to show that the children's farm is ancillary to one of the component uses within the single planning unit. The leading case in determining a planning unit is *Burdle v Secretary of State for the Environment*. As a working rule it should be assumed the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.
7. At the present time the mix of equestrian, agriculture and residential use continues, primarily on the land to the north and north east of the appeal site. However, the type and scale of some of the equestrian activities and the agricultural use have changed. There are now some 40 horses on site, compared to 120 to 140 horses and ponies in the past. A carriage driving school has become popular. The indoor equestrian centre ceased in 2000 and the number of riding lessons is now small. A pony club and a polo club continue and the training and breeding of racehorses remain important. Holidays have been provided via the Children's Holiday Fund. The number of sheep on the holding has been considerably reduced and the emphasis now is on rare breeds. Large farm vehicles, which are used on the appellant's farm at Sandridge, are kept at Belmont. The farm yard also has a modern barn that is used as workshops and to house tractors, farm equipment and so on. The residential use comprises a mobile home and associated small garden near the farm yard³.
8. The children's farm is on land to the north east of The Ridgeway. It has involved the conversion of a rectangular arrangement of low roofed stables and

¹ The first decision in January 2003 concerned the formation of a manege and the second concerned a lawful development certificate (s192) for a change of use of the indoor riding centre to a health and fitness centre.

² *Belmont Riding Centre v First Secretary of State and London Borough of Barnet* [2003] EWHC 1985 Admin

³ A twin unit caravan was granted a certificate of lawfulness in June 2008.

outbuildings, where there are now incubators, cages housing small animals, rodents and birds, an animal petting area, a party and education room and toilets. The reception and cafe are in the central building. In addition to the displays and facilities in the building group a trail has been laid out around the various animal and bird enclosures. Public access is gained first via an entrance off The Ridgeway in the south east corner of the frontage. This entrance provides access to the car park and from there entry is down a footpath to the reception. Circulation around the trail and buildings is unsupervised. Egress from the car park is by another gateway, in the north west corner of the frontage, onto The Ridgeway. The car park is on the land forming the north western part of the appeal site. There is an area of grass on the site frontage where sign boards advertising the children's farm have been erected.

9. The children's farm, together with the car park, access, circulation area and frontage, are separated from the lands to the north east by metal fencing, lockable gates and buildings. It forms a distinct physical entity from the rest of the wider holding. This strong physical division was unlikely to have existed when the indoor riding centre and stables were in use and it was not reflected in the description of the riding school and stables in the 2005 appeal decision⁴.
10. The purpose of the children's farm is to provide fun and education for all the family. Visitors are able to see the animals at close quarters and at specific times to participate in their daily care. The animals include traditional farm livestock such as goats, pigs, sheep, chickens, turkeys and ducks, non-native animals such as wallabies and birds such as snowy owls and storks. The farm caters for educational visits and parties. In 2010 there was a total of 46000 visitors over 11 months. During August, the busiest month, there were on average 290 visits per day.
11. The trail, the animal petting and feeding, the other associated activities and the support facilities are concentrated within the appeal site, not diffused across the wider holding like the equestrian activities. The animals and birds are primarily for show, rather than being kept for the purpose of farming the land. Some animals have been reared to produce pork, lamb and eggs but this probably is very much of an incidental nature. There was no evidence to show that the stock on the wider holding are kept or have any involvement with the children's farm or that 'display' animals are grazed on the wider holding. The buildings on the working farm are not used for any equipment or storage associated with the children's farm, although the tractor for the trailer rides is kept in the farmyard when not in use. The children's farm employs around 19 members of staff and although some staff may also work on the wider holding this was not a link identified by the appellant.
12. There is closely supervised access to the wider holding at arranged times. The tractor trailer rides, for which there is an additional charge, provide visitors with a supervised tour of the farm. They add understanding and enjoyment to the visit. An education room, in the old stables, accommodates school and group visits, where children are able to learn about animals and farming. The occasional stationing of farm tractors on the frontage to The Ridgeway for display purposes is a means of promoting and drawing attention to the children's farm. The tractor trailer rides, the educational visits and the display

⁴ This decision dated 23 May 2005 dealt with three proposals concerning changes of use of the indoor riding arena and the conversion of the disused stable blocks to Class A1/A2/A3/B1 use (refs APP/N5090/A/04/1159447, 1161832, 1161831).

of agricultural machinery were put forward by the appellant to show how the wider farm holding is integrated into the use of the children's farm. However, these factors do not have any significant functional link to the operation of the wider holding.

13. In conclusion, the children's farm is used by the community. The emphasis is on providing opportunities for education, recreation and enjoyment. Based on day trips, it is a very different use to the provision of holidays through the Children's Holiday Fund. There is not the functional relationship between the children's farm and the agricultural or equestrian uses to enable it to be regarded as ancillary to one of the components of the mixed use previously described. Furthermore it is not subsidiary to those mixed uses - it attracts a large number of visitors, generates a lot of activity and car parking. The children's farm is of a different character to the agricultural and equestrian uses. It is a primary use. The material change in the components amounts to a change in the mixed use and development requiring planning permission has taken place. Moreover, as a matter of fact and degree, the development of the children's farm, by reason of its physical and functional separation, has created a new planning unit, separate from the wider holding. The appeal on ground (c) regarding the change of use does not succeed.

The café

14. In the grounds of appeal the appellant relied on the café being a replacement for a refreshment area within the former stable block. He also pointed out there was a catering facility within the indoor riding centre. These places for food and drink were ancillary to the equestrian component of the mixed use on the wider holding. Their existence has little relevance to the current situation where the children's farm is a primary use. The main issue is whether the café is ancillary to the children's farm or whether it is a separate primary use.
15. The café is in the central former stable building. To enter the café a visitor has to pass the reception and pay desk to the children's farm. The building is surrounded by the farm trail and does not have a distinct, separate identity. However, it is possible to visit the café without having to pay an entry fee to the children's farm.
16. Inside the café most of the space is for visitor use, with a counter and kitchen at one end. At the time of the site visit there were 24 tables of varying sizes and about 85 chairs, although up to 92 covers was agreed previously. The space is practical and functional, suited for short stays. Agricultural implements are displayed on the wall and three television screens provide promotional and educational information on a range of farming operations. The display and screens add interest and are subsidiary to the primary purpose for the sale and consumption of food and light refreshments.
17. The café is marketed and advertised as the Waffle Café, with free wi-fi access. The menu offers light meals and snacks. The only indication that the food source is from the farm is a note on a menu stating that the waffles will soon be made from wheat grown on the farm at Sandridge. The café is open seven days a week, the opening hours being the same as the children's farm. The advertisements welcome unaccompanied grown ups but most of the material is directed at providing information about the food, the hours of opening and related available activities at the children's farm.

18. The location and appearance of the café, the opening hours and the advertising material all indicate that the café is ancillary to the children's farm. However, in terms of trade and use the evidence is less clear cut. The appellant maintains that the primary use of the café is to serve refreshments to the visitors to the children's farm, as well as providing shelter, warmth and shade, dependent on the season. He explained it is used as a meeting point for grandparents and community groups who want to use the farm one way or another and by those who simply want a rest while the children are going round the farm. It does not at present provide a source of revenue to help support the farm, although its existence is essential to it.
19. In addition, visitors to see the race horses training (events advertised every Wednesday and Saturday) are invited to breakfast at the café. It has become a stopping off point for walkers using the local footpaths. Residents say that the café is often used by mothers and school children. It is also regularly used by a local group on Tuesday mornings for early business networking events, between 0645 and 0900 hours. These events are attended by about 45 people, as seen from CCTV evidence, although residents claimed the number is nearer 90. Probably most of the group travel by car and park in the car park, as indicated by the CCTV images and the photograph submitted by the Council.
20. The evidence indicates that the café serves the local community more generally and as a matter of fact the appellant has described it as becoming a valuable and unique community resource because it is the only café open seven days a week in the area. However the question is how the wider use affects the functional relationship between the café and the children's farm. The café could be used by outside groups and people in the locality who are not visiting the farm whilst still remaining ancillary to the children's farm. The matter is one of fact and degree. The onus of proof is on the appellant to establish that there is no breach of planning control against which action may be taken. The test is the balance of probability. The stronger the evidence produced on behalf of the local planning authority the more would have to be established in rebuttal for the appellant to establish his case.
21. At the hearing the appellant said over 95% of customers to the café were visiting the farm, although this was not supported by detailed evidence. He also said that the café was noisy, with lots of children, which did not encourage older people to come in. When there was snow and ice over three months the café was empty every day. Additional evidence is the CCTV images which were provided for 6 days in June 2011. They are helpful in showing the variation in use of the café. The busiest times in the café were around lunch time and early afternoon on Sunday and on Friday morning (discounting the business meeting on Tuesday). Even then the café was nowhere near full. The general lack of people in the café is the more striking feature.
22. The Council disputed the 95% figure. Attention was drawn to the number of covers (approx 90) compared to the average number of visits per day, ranging between 137 up to 290 in the busiest month. Casual observation had also indicated that the majority of people who came into the café did not pay an entry fee to the farm.
23. In my view there is little to be gained by comparing the number of covers to the number of visitors, because the physical capacity of the café suggests potential rather than the type and actual use that has taken place. Casual observation would be imprecise because of the way the circulation works and

the range of tickets available. Anecdotal evidence has little weight. The 95% figure would have to be considerably less to indicate that the café is a primary use.

24. As matter of fact and degree and taking all factors into account the probability is that the café has been ancillary to the children's farm. The wording of the breach of planning control in the enforcement notice needs to be varied. The café as an ancillary use to the children's farm is unauthorised because that primary use is a breach of planning control. Accordingly the ground (c) appeal on this matter fails.

Bird and animal enclosures

25. The issue is whether the erection of the fences, animal and bird enclosures and apparatus on the children's farm site amounted to operational development constituting a breach of planning control.
26. There is a wide range of fences, animal and bird enclosures and apparatus on the children's farm. Neither the Council nor the appellant made any distinction between them and dealt with the issue in a very generalised and superficial way, with no reasoned argument. The basic point of the appellant is that the animal and bird enclosures are demountable structures and so comprise chattels rather than buildings. The Council say the structures are fixed. Permitted development rights were not raised by the main parties and the documentation indicates that they have been removed by an Article 4 Direction.
27. The meaning of development includes the carrying out of building, engineering, mining or other operations in, on, over or under land (s55(1)). A building is defined as including any structure or erection, or any part of a building as so defined (s336(1)). Three primary factors are relevant to what constitutes a building – size, permanence and physical attachment.
28. The fences were mainly of timber or post and wire and varied in height and form. The animal and bird enclosures were also mainly of timber and wire mesh or netting. The enclosures forming the aviaries and the pens for the different animals varied in size and height, the largest bird enclosure being near the entrance. All the fences and enclosures were sturdy and secure and fixed into the ground to give stability. They were integral to the trail and there was no sign that they were regularly moved. Going by the leaflets, the layout has remained similar since the children's farm opened in 2009 and the appellant did not point to any variation on the site visit. By reason of size, permanence and physical attachment I conclude as a matter of fact and degree that the fences and animal and bird enclosures fall within the definition of a building and operational development has taken place.
29. The timber apparatus forming a platform within the goat enclosure was firmly lodged into the ground and appeared to be a permanent structure. A horse simulator, built of timber and glass, looked like a small building, similar to a kiosk. There was no indication that it was moveable or that its siting had changed. By reason of size, permanence and physical attachment as a matter of fact and degree the apparatus and horse simulator fall within the definition of a building and are operational development.
30. Within some enclosures were animal shelters, constructed of timber and on runners. These lacked the permanence and physical attachment of the fences

and enclosures. Therefore they are chattels and operational development has not taken place and to this limited extent the ground (c) appeal succeeds.

31. In conclusion, a breach of planning control has occurred by the erection of fences, animal and bird enclosures and apparatus on the children's farm. The wording used in the notice requires no variation, even though the shelters are chattels.
32. It is also the case that the erection of fences, animal and bird enclosures and apparatus has been integral to the change of use of the land. The local planning authority can require the undoing of any incidental operational development even though the operational development may not have constituted a breach of planning control had it been carried out as an independent operation.

Appeal on ground (a)

Main issues

33. As a result of the ground (c) appeal the deemed application is for the material change of use of land to a children's farm with ancillary café, and the erection of fences, animal and bird enclosures and apparatus. The appeal site is located within the Metropolitan Green Belt. The main issues are:
 - Whether the children's farm, and associated works, are inappropriate development in the green belt.
 - The effect of the development on (i) the openness and visual amenity of the green belt, (ii) the character and appearance of Mill Hill Conservation Area, (iii) the living conditions of nearby residents, and (iv) highway safety.
 - Whether by imposing reasonable planning conditions any objections could be overcome.
 - The effect of the development on farm diversification.
 - The contribution of the children's farm to the community facilities in the area.
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Planning Policy

34. The development plan includes the London Borough of Barnet Unitary Development Plan 2006 and The London Plan 2011, which came into effect on 22 July 2011. The main parties were invited to update their evidence which had been based on the former London Plan (consolidated with alterations 2004).
35. National planning policy of most relevance to the issues in this appeal is contained in Planning Policy Guidance Note 2: Green Belts (PPG 2) and Planning Policy Statements on Delivering Sustainable Development, Planning for Sustainable Economic Growth, Planning for the Historic Environment and Sustainable Development in Rural Areas (PPS 1, PPS 4, PPS 5 and PPS 7).

36. Among the principles set out in the Ministerial Statement *Planning for Growth* is the need to consider fully the importance of national planning policies aimed at fostering economic growth and employment and to consider the range of likely economic, environmental and social benefits of proposals. Proposals securing sustainable growth should be treated favourably, consistent with policy in PPS 4.
37. The draft National Planning Policy Framework document was issued for consultation on 25 July 2011. Relevant proposed key policy changes relate to the presumption in favour of sustainable development and protecting community facilities. Core green belt protection remains in place and existing policies on the historic environment are streamlined. In the interests of natural justice the main parties and a third party were given the opportunity to address the relevant draft policies and I have taken into account the responses. However the document is subject to change and its policies have little weight at the current time. Planning Policy Guidance Notes and Statements, and Circulars, remain in place until cancelled.

Green Belt

Inappropriate development

38. PPG 2 states the general presumption against inappropriate development in the green belt. The making of a material change in the use of land is inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the green belt. Re-use of buildings inside the green belt is not inappropriate development provided that the stated criteria are met. The erection of buildings is inappropriate development unless for one of the stated purposes. In The London Plan Policy 7.16 states that in planning decisions the strongest protection should be given to London's green belt in accordance with national guidance. Policies O1, O2 and O6 of the London Borough of Barnet Unitary Development Plan (the UDP) are generally consistent with national policy.
39. The change of use to the children's farm has involved the re-use of a group of buildings for the keeping and display of animals and birds, the reception and café, the party and education room and toilets. The surrounding land is used for the keeping and display of animals and birds along a trail. In addition, space to the north and west has been formalised for a car park with about 92 spaces, retaining a grass area on the site frontage. Integral to the change of use has been the associated operational development involving the erection of fences, animal and bird enclosures and apparatus. There were just over 50,000 visitors in the first year of operation. The present use, activity and associated works have to be compared with what is known of the previous use.
40. The buildings were used in connection with the riding school as stables, tack rooms and a small refreshment area. The appellant's evidence is that some 320 to 420 riding lessons took place each day from 0630 to 2130 hours and there was a pony club for up to 40 children. The buildings then fell into disuse. The 2005 appeal decision described them as being in poor condition and the central building (now used for the reception and café) all but derelict. In isolation, the re-use of the buildings has not had a materially greater impact on the openness of the green belt and the purposes of including land within it. The Council and third parties have not sought to argue that they were incapable of conversion without major or complete reconstruction, despite their poor condition. As stables and as converted they are in keeping with their

semi-rural surroundings because of their low profile and the use of timber cladding. However, the use is not solely confined within the buildings. PPG 2 requires that strict control is exercised over any associated uses of land surrounding the buildings which might conflict with the openness of the green belt and the purposes of including land within it (for example, because they may involve extensive hardstanding, car parking).

41. The appellant maintained that the land on the northern and western part of the appeal site was previously used for the stationing of farm vehicles and horse boxes in connection within the wider holding, together with a 50 space car park referred to in sales particulars for the Belmont Riding Centre⁵. The extension to the grassed area on the frontage has resulted in the loss of an area equivalent to some 20 spaces.
42. However, the 2005 appeal decision indicated that the land was largely open, which is consistent with an aerial photograph pre 2007. The probability is that in the 1990's the unsurfaced land was used for informal and occasional parking of horse and farm related vehicles, apart from the frontage north west of Sheepwash Pond. A defined area for car parking appeared to exist on the land adjacent. There is no information on the level of use of the car park, only its capacity. In recent years, prior to the opening of the children's farm in 2009, these areas were little used for parking, a conclusion supported by the comments of residents and other interested parties and by previous appeal decisions. By that time the stables had fallen into disuse and the indoor equestrian centre had closed. The current position is that the 92 space car park is more formally laid out with an in-out arrangement, demarcation of blocks of parking and a hard surface in a good state of repair. It is well used, with a regular turnover of cars. Openness has not been maintained.
43. The land behind Sheepwash Pond was described in the 2005 appeal decision as an area of trees and other vegetation. It is now occupied by animal and bird enclosures. A loss of openness has occurred.
44. Most of the activity at the children's farm is concentrated in and around the group of buildings and the car park. The children's farm is open daily seven days a week, attracting around 290 visitors on the busiest days. In contrast, the main activity associated with the riding lessons probably would have taken place on the wider holding. Although the appellant has referred to two large cross country events, one held in 1998 and the other held in 1999, they were atypical and would have been primarily on the surrounding lands. Referring to the 2005 appeal decision, the inspector concluded that the proposed small retail trading estate was likely to result in more intense levels of activity and traffic than a resumption of the lawful use.
45. For these reasons the use of land surrounding the buildings conflicts with the openness of the green belt and there has been some encroachment into the countryside.
46. The fences and animal and bird enclosures are integral to the children's farm. As explained above, the children's farm has not maintained openness and has conflicted with a purpose of including land within it. Therefore these structures do not fall within the 'essential facilities' or any other purpose of new buildings identified in paragraph 3.4 of PPG2. That being so, they are inappropriate development.

⁵ Reference was also made to an OS plan attached to a Tree Preservation Order dated 26 November 1991.

47. In conclusion, the children's farm and associated structures are inappropriate development, which is by definition harmful to the green belt. In view of the presumption against inappropriate development, the harm has substantial weight.

Effect on openness and visual amenity

48. Any material loss of openness can be sufficient to make the development inappropriate. The scale and impact of the loss of openness is also a consideration.

49. The ability to re-use buildings has limited the harmful effect on openness, as has the lightweight construction and generally small size of the enclosures. The car park has a more significant effect on openness because it is an extensive area of hard surface within the overall site.

50. The children's farm is contained within a well defined area and because of the sloping nature of the land much of the development is not seen from The Ridgeway. The exception is the car park, which because of its appearance detracts from the visual amenity of the green belt. The small extension to the green space on the frontage has provided little mitigation. The animal enclosures are mainly screened in the summer months by the trees and vegetation around Sheepwash Pond but when not in full leaf the structures would become more intrusive. The children's farm has no effect on longer distance views across the valley from the north because of the topography and the intervening farmyard. Overall, the harm to visual amenity is confined to short distance views from The Ridgeway and has a moderate adverse impact.

Conservation Area

51. The Ridgeway runs through the heart of Mill Hill Conservation Area. Along this busy route are purpose built institutional buildings, mansion houses and modest cottages. The wide grass verges along the southern side of The Ridgeway, together with good specimen trees and hedgerows, provide a green corridor of informal planting. The Conservation Area Appraisal identifies Sheepwash Pond as a focal point and highlights the glimpsed views across the appeal site towards the open land to the north. These landscape features and views are valuable for their contribution to the semi-rural and open character of the Conservation Area.

52. The activity and community/educational uses at the children's farm are not out of character with the busy thoroughfare and the existing educational establishments in the locality, such as Mill Hill School and Belmont Mill Hill Preparatory School. Similarly, the farming associations relate to the rural setting to the Conservation Area. However, the fencing and enclosures have led to clutter and a loss of openness within the site in a sensitive position close to Sheepwash Pond. The views over the valley have been partially obstructed by the vehicles parked on the car park throughout much of the day and by the sign boards and promotional display on the site frontage. They are a much more immediate intrusion than the visible upper part of the mobile home stationed in a less sensitive position beyond the car park.

53. Therefore the car parking, the various structures and promotional material detracts from the open character, the rural views and landscape feature that make an important contribution to the quality of the local built and natural

environment. The development has failed to preserve or enhance the character and appearance of the Conservation Area.

54. The direction provided by policy HC1 of the UDP is that the development should not be permitted. PPS 5 in policy HE9.1 states a presumption in favour of the conservation of designated heritage assets. In this case the harm would be less than substantial and therefore under policy HE9.4 harm has to be weighed against the public benefit of the development. I will return to this in the overall balancing exercise.

Living conditions

55. Policy ENV12 of the UDP seeks to separate noise sensitive developments from noise generating sources. The north western boundary of the site adjoins the residential property known as Millbrae. In 2007 the old bungalow was redeveloped and replaced by a house of individual and high quality design, which has large windows with an outlook towards the site. The rear garden extends along the length of the internal access road within the site.
56. Most of the vehicular activity generated by the children's farm would be in close proximity to Millbrae. There would be noise from car doors shutting, engines starting and revving and vehicles exiting the car park. Additional noise would arise from the visitors chatting, laughing and so on. The occupants of the house also highlighted the disturbance from the early morning business networking events at the café and from delivery vehicles. This activity would amount to considerable disturbance to the occupiers of the dwelling because it would occur every day of the week, including weekends and holidays and because it would be at the rear of the house, away from the noise of the main road. The enjoyment of the private garden would be most affected. The increased depth of the frontage landscaping on the appeal site would have very little, if any, effect in mitigating the noise. There also would be a small loss of privacy because of the relationship of some of the upper floor windows to the site.
57. The appellant argued that the occupiers of Millbrae would have been subject to the traffic comings and goings generated by the wider holding and that the children's farm would have reduced vehicle movements. This was disputed by the current occupiers, who have lived at Millbrae since 2003. The 2003 appeal decision also casts doubt on the appellant's assertion. The Inspector said that access to the indoor riding centre and the rest of the complex could only be gained through a complicated and sophisticated security system sited well to the east adjoining the main racehorse and training facilities. Unlike the earlier commercial riding centre operations there was no longer access to that land for the public at large from The Ridgeway. Therefore the probability is that the children's farm has resulted in greater numbers of vehicle movements and a more intensive use of the car park area to the detriment of the living conditions of the occupiers of Millbrae.
58. The residential property Sheepwood lies to the south east of the site, near to the group of buildings, the animal and bird enclosures and the trail. The occupiers say that the impact of the children's farm on their home and daily lives has been considerable. When they moved to their home the stables were in a dilapidated state, which in part explains why they have found the change of use so intrusive. The probability is that the past activity associated with the stables would have been enclosed within the courtyard. The riding of horses would have taken place over the wider holding. Most of the activity at the

children's farm is concentrated in and around the buildings. The trail and the enclosures back onto Sheepwood. The boundary fence and vegetation would not be sufficient to prevent noise disturbance from visitors and some loss of privacy. There would be some potential for noise and smell from the animals but given stringent standards on hygiene, smell is unlikely to be a particular problem.

59. My conclusion is that residential amenity of nearby residents has been significantly harmed by the development. A children's farm, a use which attracts lots of people and involves the outside display of animals and birds, has materially different characteristics to the former stables and the agricultural use of the land. Good practice would avoid siting such a use between two residential properties and the objective of policy ENV12 has not been met.

Highway safety

60. The Ridgeway is a busy B Class road, serving the area around Mill Hill and Highwood Hill and linking into the wider highway network. There is a bus stop outside the site, used by school children. Highway safety was not a matter raised by the local planning authority, although residents expressed general concerns about the numbers of turning movements and the conflict with pedestrians and users of the bus stop. No technical information or analysis was submitted.

61. The Ridgeway has various functions - providing for movement of traffic, pedestrians and cyclists, providing access to public buildings, schools and homes and defining a sense of place, linking the buildings and spaces. Referring to national guidance in Manual for Streets, it is a street as distinct from a road. Greater emphasis needs to be given to pedestrian activity and safety. Visibility in the vicinity of the site entrance and exit is good. Traffic speeds are likely to be variable, rather than constant, in response to the junctions, pedestrian crossings, bus stops, frontage access and so on. It is the responsibility of drivers to travel within the speed limit at a speed suited to the conditions. The number of visitors to the children's farm on average range from 137 to 290 visitors per day. Not all people will come by car and family groups will come in a single car. The number of turning movements would not be substantial. Taking all these factors into account the development would not lead to a significant reduction in highway safety.

62. There is no evidence to show that on existing levels of visitor numbers the children's farm significantly exacerbates traffic congestion on The Ridgeway.

Use of conditions

63. Circular 11/95⁶ advises that if properly used conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. Conditions should be seen to be fair, reasonable and practicable. PPG 2, in relation to the re-use of buildings, also encourages consideration of whether any objections could be overcome by imposing reasonable conditions.
64. Discussions between the Council and the appellant have taken place since March 2010 over conditions to control the scale and operation of the children's farm and the use of the land within the site. The discussion at the hearing

⁶ Circular 11/95 The Use of Conditions in Planning Permissions

highlighted the main points where there was lack of agreement. In general terms, the appellant was seeking maximum flexibility, to realise greater potential of the facility and to allow for an increase in visitor numbers to 60,000 a year. The Council was seeking to exert a wide range of control, including restrictions on detailed management of the farm.

65. The location of the site within the green belt and a conservation area and between residential properties, suggests that the use would require a greater degree of control than if the site were located in an area that was not subject to special restraints. The purposes of the conditions would be to protect the character, appearance and openness of the area, and to protect residential amenity. However, a children's farm has certain characteristics and requirements in order to function. It may be that the location and the use are incompatible. The children's farm is a new, different use and reference to the equestrian uses that have taken place in the past on the site (some of which ceased some years ago) and on the wider holding have limited relevance to the conditions that should be imposed.
66. The hours of opening during March to October are 0800 to 1800 hours Monday to Friday and 0900 to 1800 hours Saturday and Sunday. During the winter months the farm closes at 1700 hours. The appellant was seeking opening hours from 0700 to 2130 hours seven days a week, which in my view would be excessive for the use in question. The current opening hours are necessary and reasonable.
67. The car park has been contentious in terms of its size and use. The aim would be to ensure all parking demands are met within the site and to restrict use to visitors and employees of the children's farm. The visual impact and scope for landscaping also has to be taken into account. No detailed information has been provided on, for example, capacity relative to the number of visitors and mode of travel, or even levels of existing use. The appellant was not willing to reduce the number of spaces below those existing. The Council put forward a limit of 50 spaces, which in effect would be about half the size of the existing parking area and correspond to the probable former capacity. A car park around this size seems reasonable, given the visitor numbers and the accessible location of the site in relation to public transport.
68. The café should remain ancillary to the primary use, which would allow occasional use by people who are not visiting the farm. It would be unreasonable to require all customers to pay the entry fee to the farm. The building and space that is currently used appeared to be functional and sufficiently spacious to allow a level of comfort and flexibility. The Council has not put forward an adequate reason to restrict the number of covers to 50.
69. The Council is seeking to preclude the provision of children's play facilities and picnic areas. However, picnic tables are already outside the café and there is no justification for requiring their removal. Children's play equipment may typically be found on other children's farms but the green belt location and the limits of space would argue against such provision here.
70. Control on the amount of the entry fee would be an unreasonable interference with the management of the operation. In a similar way, to seek to control where different types of animals are kept and the addition of any new types of animals would be unreasonable and impractical. One way that the amenity of residents could be improved would be to exclude the keeping of animals from the area alongside the boundary fence. Bearing in mind the layout of the trail,

this probably would be too significant a reduction on the animal display area and therefore unworkable.

71. A children's farm has an educational role, primarily directed and related to the animals and birds present at the farm and with farming more generally. However, it is not a community centre or a school where a broader range of classes and activities may be expected. The Council has suggested a condition to the effect that there should be no drama classes/workshops or music sessions. This could be interpreted too tightly and impose an unnecessary restriction on the range of incidental activities that could be held. A preferable approach would be to concentrate on controlling opening hours and the identification of the use of buildings and spaces, linked into the site layout, rather than ruling out certain types of workshops. For example, the existing balance, as shown on the leaflet, provides a suitable emphasis on the space devoted to housing animals and birds. On the other hand, use of most of the buildings for education rooms probably could not be accommodated within a primary use of the land as a children's farm.
72. A condition excluding the hosting of business networking events, workshops and seminars would be justified in this green belt location because such events are not directly related to the main use of the land and they would increase demand for car parking.

Initial conclusions

73. Conditions as outlined above would provide a means of controlling the use of the building and spaces. Satisfactory compliance would reduce the loss of openness and harm to visual amenity and deliver some environmental enhancement. Early morning disturbance through external events would be precluded.
74. The mechanism to confirm and control details of the car park, additional planting, layout of the trail, location of facilities, use of buildings and so on would be through the submission and approval of a site layout and landscape scheme. Such a scheme is not before me. Therefore there is uncertainty over the degree of improvement that would be secured and indeed whether an acceptable scheme could be achieved in view of the appellant's resistance to reduce the amount of car parking.
75. Restrictions on car park size and opening hours are key factors in containing the degree of harm to the green belt, conservation area and neighbours' amenity. The appellant made clear the restrictions would be unacceptable. Assessment of harm and the weight to be attached to that harm will be made on that basis.
76. In the absence of a detailed scheme to show otherwise, the harm through inappropriateness would not be overcome. This harm has substantial weight. The harm to openness and the visual amenity of the green belt adds some additional weight against the development. The effect on the Conservation Area would be negative because of the relationship of the development to Sheepwash Pond and the intrusion of the car parking, the signage and display vehicles into the views across the valley to the north. I attach significant weight to the failure to preserve or enhance the character and appearance of the Conservation Area. Neighbouring residents would experience noise disturbance. The adverse effect this would have on the enjoyment of their

gardens, especially at weekends, has significant weight. Overall there are very strong considerations weighing against the development.

77. In these circumstances where inappropriate development is involved it is up to the appellant to show why permission should be granted. Reliance is placed on the development being farm diversification in a sustainable location and the children's farm as an educational and community facility. The points made about the re-use of existing buildings and the reduction in the car parking area are relevant to and inform the issue of inappropriate development. They are not positive factors to weigh in the balance as other considerations.

Farm Diversification

78. Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, PPS 7 advises that favourable consideration should be given to proposals for diversification in the Green Belt, where openness is preserved and there is no conflict with the purposes of including land within it. In cases of inappropriate development, any wider benefits of the farm diversification may contribute to the 'very special circumstances' required by PPG 2. Re-use of buildings is encouraged and account must be taken of the amenity of nearby residents who may be adversely affected by new types of on-farm development. Policy 7.22 of The London Plan encourages a thriving farming and land based sector particularly in the green belt but the development plan has no specific policy on farm diversification.
79. I explored with the appellants at the hearing what wider benefits the diversification has brought to the farming enterprise as a whole and to the wider community, the economy and the environment. The children's farm has been running at a loss. The appellant thought this was to be expected of a new business starting in a time of recession. The aim is that it breaks even. No business plan was presented, although the indications are that to do so it would have to expand its community use, attractions and perform a greater educational role (a farm shop and evening classes have been considered). This may partly explain why greater flexibility was being sought in the planning conditions. There was no specific link, financial or otherwise, identified with the farming enterprise at Belmont or at Sandridge, where farming will cease within three years in any event. Therefore at the present time, and probably into the future, the children's farm is not able to be credited with making a contribution to the viability of the farming enterprise or providing an element of financial stability in a business subject to high volatility. It is not essential for a farm diversification project to contribute to the economic viability of a working farm but the failure to do so lessens the weight to be given to diversification.
80. Job creation was identified as the specific contribution made by the development to the local economy. The children's farm has provided around 15/19 jobs⁷ and three opportunities for apprenticeships, opportunities that the appellant wishes to develop in the future. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs⁸. Therefore this contribution to the local economy has significant weight.
81. The site is in a sustainable location, accessible by various means of public transport and within walking/cycling distance of the residential areas to the

⁷ Both figures were cited by the appellant.

⁸ Written Ministerial Statement: Planning for Growth 23 March 2011.

south and west. This factor is of most relevance and benefit to the development of the children's farm as an educational and community resource.

Educational and Community facility

82. The rationale of the children's farm was to provide an educational facility where children could learn about animals and farming by viewing the animals and by riding on the tractor trailer around the wider holding. Educational packs are available and an educational programme has been developed. Three to five schools a week have visited since the Spring. Educational films are shown and historic farm implements displayed in the café.
83. A petition with about 750 signatures was submitted to affirm that the children's farm is a welcome and valued asset in the community. The on-line petition has attracted some 330 comments, such as 'a gem of the neighbourhood', 'well cared for, well run and a pleasure to visit', 'the best thing to have happened to Mill Hill'. Additional support has been received from St Vincent's Catholic Primary School on The Ridgeway, other colleges and educational establishments and the Hertfordshire Federation of Young Farmers Clubs. They emphasise the enjoyment that the farm gives, along with the opportunity to learn about food, farming and the environment.
84. The petitions were part of a campaign to Save Belmont Children's Farm and were promoted on the basis of only one side of the argument. Also not everyone is in favour of the facility, with objections from Mill Hill Preservation Society and St Paul's Church. Even so, undoubtedly there is a great amount of support for the children's farm. It is a much valued resource and a real asset to the community. It performs multiple functions and has added a new facility and attraction within the Borough, the other children's farms being at Kentish Town and London Colney. It provides access to the countryside as a place for outdoor education and children's play, encourages greater appreciation of the farming sector and food production and promotes healthy living. The links to and support from local schools are strong. It encourages social interaction and community involvement, which is an essential element in delivering sustainable development and a key principle identified by PPS 1. The farm forms part of a network of green infrastructure and is an initiative that has support through Policy 2.18 of the London Plan. The role of the children's farm as a community and educational resource has substantial weight.

Balancing harm against other considerations

85. The benefits of farm diversification are primarily through the jobs provided and the valuable educational and community role of the children's farm. The accessibility of the site is an asset. These are forceful arguments in favour of the development that have the support of national policies emphasising job creation and provision of community facilities. The public benefit would justify the development under policy HE9.4. However, the question is whether the economic and social 'public benefit' considerations clearly outweigh the totality of the harm arising from the inappropriateness of the development in the green belt and the other harm identified. The London Plan has reaffirmed that the strongest protection should be given to London's green belt. The harm, to the openness and visual amenity of the green belt, the Conservation Area and neighbour amenity, add very significantly to the substantial weight against the inappropriate development. Objections are unable to be overcome by the use of planning conditions, where lack of agreement over the size of the car park and the uncertainty over a layout and landscape scheme, are critical factors.

Whilst Policy EC6.2f of PPS 4 supports farm diversification for business purposes, it does so where diversification is consistent in its scale and environmental impact with its rural location. The development does not satisfy this objective.

86. After a lot of thought I conclude that the other considerations do not clearly outweigh the harm identified. Very special circumstances necessary to justify the development do not exist. The balance is against the development. It is therefore contrary to Policy 7.16B of the London Plan, policies O1, O2 and O6 of the UDP and national policy in PPG 2. The appeal on ground (a) does not succeed.

Appeal on ground (g)

87. The issue is whether the compliance period of three months falls short of what reasonably should be allowed.
88. The appellant is seeking a period of 6 months or until March 2012, whichever is the later, to allow the orderly closure of the children's farm. The Council raised no objections to a period of 6 months.
89. Two main reasons support an extension to the compliance period – the need to properly re-home the animals and to allow employees time to find alternative employment. These important considerations justify a compliance period of six months. I will vary the enforcement notice accordingly, prior to upholding it. The local planning authority also has power under s173A(b) to extend this period, for example in the event the appellant seeks to address outstanding issues related to planning conditions. The appeal on ground (g) succeeds.

DECISION

90. I direct that the enforcement notice is corrected by the deletion of paragraph 3(ii) and the addition of a new reason 7 in paragraph 4 "It appears to the Council that the breach of planning control consisting of the material change of use of the land has occurred within the last ten years and that the breach of planning control consisting of the erection of fences, animal and bird enclosures and apparatus has occurred within the last four years".
91. I direct that the enforcement notice be varied by:
- the deletion of the wording of paragraph 3(i) and its replacement by "Without planning permission, (i) the material change of use of land to a children's farm with ancillary café, and (ii) the erection of fences, animal and bird enclosures and apparatus."
 - The replacement of three months by six months as the time for compliance in paragraph 6.
92. Subject to the above correction and variations I dismiss the appeal, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Diane Lewis

Inspector

APPEARANCES

FOR THE APPELLANT:

David Lane BSc(Hons) DipTP DipTP MRTPI	Principal of DLA Town Planning Ltd
Andrew Reid	The appellant

FOR THE LOCAL PLANNING AUTHORITY:

Joe Henry BA(Hons) DipTP	Planning Regulations and Enforcement Manager London Borough of Barnet
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INTERESTED PERSONS:

Robin Pearson BSc(Econ) DipTp MRTPI	Pearson Associates
Robert Jameson LLB	Solicitor, Jameson and Hill
Michael Jacobs	Resident
Mrs Jacobs	Resident
Mr and Mrs Neophytou and Elena Neophytou	Residents
John Living	Mill Hill Preservation Society
David Welch	Mill Hill Preservation Society

DOCUMENTS submitted at the hearing

- 1 Letter of notification of the hearing and list of people notified
- 2 Representations from Mill Hill Preservation Society and a local resident
- 3 Leaflets and advertising material submitted by the Council
- 4 Bundle of letters and petitions in support of the development submitted by the appellant
- 5 Summary submitted by Mr Jameson
- 6 Appendix 4 to Mr Reid's Statement
- 7 Sales particulars submitted by the appellant
- 8 Bundle of CCTV images submitted by the appellant

PLANS

- A Plan attached to the enforcement notice

LOCATION: Inglis Barracks, Mill Hill East, NW7 1PX

REFERENCE: H/03057/12 **Received:** 8 August 2012
Accepted: 13 August 2012

WARD: Mill Hill **Expiry:** 12 November 2012 **AGENDA ITEM 10**

APPLICANT: Inglis Consortium

PROPOSAL: Reserved matters application seeking approval for landscaping works to Officers' Mess Gardens (including associated infrastructure works) for Phase 2 (public open space OSI) of Mill Hill East development, pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011, together with details to discharge the requirements of conditions 26 (Pedestrian and Vehicular Access Points), 48 (Design of Open Space) and 52 (Children's Play Space)

SUMMARY

Outline planning consent was granted on 22nd September 2011 for the redevelopment of Inglis Barracks. Consent was granted for a residential-led mixed use development, involving the demolition of all existing buildings (excluding the Officers' Mess building) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre and associated open space, means of access, car parking and infrastructure.

The site falls within the central part of Phase 2 of the outline consent and is one of the key public open spaces for the whole development site. This area of public open space is identified as Phase 2 'Open Space 1' (OS1). The proposed development comprises the landscaping of the Officers' Mess gardens, which includes new planting, creation of new footpaths and stepped access, provision of a play area, a rain garden, cycle stands, street furniture and lighting.

The Officers' Mess Gardens are to be accessible to the public, but will eventually be managed and maintained by the Residents Management Company for Millbrook Park.

This application is being reported to Committee as the London Borough of Barnet has a substantial interest in the land (as a member of the Inglis Consortium).

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS;

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

2133-OM-LA-04 Rev B, 2133-OM-LA-05 Rev B, 2133-OM-LA-06
2133-OM-PP-04 Rev B, 2133-OM-PP-05 Rev B
2133-OM-PP-06 Rev B, 2133-OM-TS-02 Rev E
5106655/MB/GE/278 Rev P03
5106655/MB/GE/279 Rev A01, 5106655/MB/GE/280 Rev A02
5106655/MB/GE/281 Rev A01, 5106655/MB/GE/282 Rev A01

2133-OM-DT-01, 2133-OM-SE-01, 2133-OM-SE-06
Landscape Management and Maintenance Plan 2133-OM-RE01-VR

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

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

3. 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 each phase 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).

4. Notwithstanding the plans hereby approved, no development shall commence unless and until the following details have been submitted and approved in writing by the Local Planning Authority;
 - Method of Statement for Protection of Trees.

- Method of construction for removal of hardsurfacing, installation of new pathways within the Root Protection Areas of existing trees.

Reason:

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

5. Any existing tree shown to be retained as part of the approved Landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees of appropriate size and species in the next planting season.

Reason:

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To ensure that any previously unidentified contamination is disposed of appropriately.

7. Notwithstanding the details submitted, locations of street lighting columns are to be reassessed upon submission of any further Reserved Matters application adjacent to the street lighting hereby approved. If it is deemed that the street lighting as approved would have a negative impact on the amenity of future occupants of a proposed future development a replacement street lighting scheme will be submitted to and approved by the Local Planning Authority and implemented prior to occupation of any adjacent residential development.

Reason:

To protect the amenities of potential future residents of adjacent sites and as not to prejudice the provision of future residential development.

8. The development shall be carried out in accordance with the approved Landscape Management and Maintenance Plan and the management and maintenance regimes shall be reviewed on an annual basis for a minimum period of 5 years as set out in the approved document.

Reason:

To secure opportunities for the enhancement of nature conservation value of the site.

9. If, after the up-lighters have been installed and evidence is found of a bat or bats roosting in a tree on the site, specialist ecologist advice shall be obtained to determine whether the light can be used or should be altered and any amendments shall be submitted and approved in writing by the Local Planning Authority.

Reason:

To ensure that appropriate mitigation is provided for bats and to safeguard the flight paths of bats.

INFORMATIVES:

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

London Plan (2011): 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 7.5 (Public Realm), 7.8 (Heritage Assets and Archaeology), 7.18 (Protecting Local Open Space and Addressing Local Deficiency), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands)

Adopted Barnet Unitary Development Plan (2006): GSD (Sustainable Development), ENV14 (Contaminated Land), D11 (Landscaping), D12 (Tree Preservation Orders), D13 (Tree Protection and Enhancement), HC15 (Locally Listed Buildings – Safeguarding), L11 (Public Open Space), L14 (Public Open Space – Improved)

Core Strategy (Adopted 2012) Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS10 (Enabling Inclusive and Integrated Community Facilities and Uses), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources).

Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM15 (Green Belt and Open Spaces), DM16 (Biodiversity).

Mill Hill East Area Action Plan (AAP) 2009: MHE7 (Parks and Public Open Spaces), MHE9 (Protection of Green Belt and Biodiversity), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE17 (Conserving Built Heritage).

ii) The proposal is acceptable for the following reason(s): -the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site and would provide a valuable public open space for the future residents of Millbrook Park. It conforms with the design principles established in both the approved outline application for the former Inglis Barracks site and the Design Code. The proposal is acceptable on visual amenity, access, highways,

biodiversity, contamination and drainage grounds. It satisfies Conditions 5, 26, 48 and 52 of the outline permission.

2. The applicant is reminded that development shown outside of the red line site boundary on the submitted plans do not have the benefit planning permission and this needs to be sought as a separate planning application.
3. The applicant is reminded that Condition 63 (iii) (c) and Condition 65 of the outline consent requires the submission and approval of a contamination remediation verification report, which will require the developer to demonstrate completion of the works set out in the approved remediation strategy.
4. The applicant is reminded that the tree shown as Tree 186 on plan 2133-OM-TS-02 Rev E is located outside of the red line boundary and does not form part of this permission.

1. BACKGROUND TO THE CURRENT APPLICATION

1.1 The Area Action Plan

The London Borough of Barnet (LBB) and the Mayor of London have designated the Mill Hill East area as an Area of Intensification in the London Plan and Unitary Development Plan (UDP). The area covered by this designation is larger than the current application site and includes the former Inglis Barracks; Mill Hill East station; IBSA house; the Council Depot and recycling centre; Bittacy Court; the Scout Camp and former Mill Hill Gas Works (the area now centred around Lidbury Square).

The area was first highlighted as an area which could be redeveloped in the London Plan in 2004. This is primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involves the consolidation and sale of surplus MoD properties around London. The activities from Inglis Barracks were transferred to RAF Northolt and the base vacated in 2008 thereby providing an opportunity for redevelopment. The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2006 commenced work on an Area Action Plan (AAP) which covered an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP was to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

A partnership comprising of a number of the key landowners and developers (the Inglis Consortium) has prepared and submitted the outline application for the comprehensive redevelopment of most of the area covered by the AAP.

1.2 The outline planning permission

In September 2011 outline planning permission was granted for the redevelopment of a site known as Mill Hill East. This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The scheme would provide a series of new formal parks and open spaces. The approved Parameter Plan 2 and the Revised Public Realm and Open Space Strategy identified the network of open spaces and new public realm that will be created. It was established that the detailed design and size of each open space will be subject to reserved matter applications. The outline planning permission was granted subject to a number of conditions and Condition 5 (Reserved Matters Details) requires details of development including open spaces to be submitted and approved.

In addition to the plan drawings submitted, the following information was also submitted in support of the application and forms the supporting information:

Landscape Design Statement Revision B dated September 2012

Arboricultural Impact Assessment Report dated 4th October 2012

Statement of Compliance

Public Open Space Clarification note

Public Open Space Clarification note (updated)

2133-LA08 Rev D 'Plan illustrating Areas of Open Space as required by Condition 15'

Drainage Strategy Technical note

Public Open Space Ground Conditions Technical note

Ecological Constraints memo report dated 9th October 2012

2. MATERIAL CONSIDERATIONS

2.1 Key Relevant Planning Policy

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's), which previously formed Government policy towards planning.

The Mayor's London Plan: July 2011 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 7.5 (Public Realm), 7.8 (Heritage Assets and Archaeology), 7.18 (Protecting Local Open Space and Addressing Local Deficiency), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands),

Relevant Unitary Development Plan Saved Policies: GSD (Sustainable Development), ENV14 (Contaminated Land), D11 (Landscaping), D12 (Tree Preservation Orders), D13 (Tree Protection and Enhancement), HC15 (Locally Listed Buildings – Safeguarding), L11 (Public Open Space), L14 (Public Open Space – Improved)

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development

Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS10 (Enabling Inclusive and Integrated Community Facilities and Uses), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources).

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM15 (Green Belt and Open Spaces), DM16 (Biodiversity)

Mill Hill East Area Action Plan (AAP) 2009

The London Borough of Barnet (LBB) and the Mayor of London have designated the Mill Hill East area as an Area of Intensification in the London Plan and Unitary Development Plan (UDP).

The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2006 commenced work on an Area Action Plan (AAP) which covers an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP was to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

The AAP was the subject of lengthy public and stakeholder involvement which culminated in an Examination in Public (EiP) in October 2008. Following receipt of the Inspectors decision notice the AAP was amended and in January 2009 the Mill Hill East Area Action Plan (AAP) was adopted by the Council. The AAP therefore forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE7 (Parks and Public Open Spaces), MHE9 (Protection of Green Belt and Biodiversity), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE17 (Conserving Built Heritage).

2.2 Relevant Planning History:

Application Reference:	H/04017/09
Case Officer:	Jo Dowling
Proposal:	Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.
Stat Start Date	30/10/2009
Application Type	EIAO
Decision	APL
Decision Date	22/09/2011

Application Reference:	H/00642/12
Case Officer:	Colin Leadbeatter
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 2 of Millbrook Park (Mill Hill East), pursuant to outline planning permission H/04017/09 dated 22/09/2011
Stat Start Date	20/02/2012
Application Type	APD
Decision	APC
Decision Date	20/04/2012

Application Reference:	H/01101/12
Case Officer:	Jo Dowling
Proposal:	Environmental impact assessment screening opinion.
Stat Start Date	16/03/2012
Application Type	ESR
Decision	ESN
Decision Date	16/04/2012

Application Reference:	H/02848/12
Case Officer:	Jo Dowling
Proposal:	Relocation of war memorial.
Stat Start Date	21/07/2010
Application Type	Full application
Decision	APL
Decision Date	28/03/2010

Application Reference:	H/04338/11
Case Officer:	Colin Leadbeatter
Proposal:	Submission of details for condition 6 (Overarching Phasing Plan)

	pursuant to planning permission H/04017/09 dated 22/09/11.
Stat Start Date	24/10/2011
Application Type	APD
Decision	Approve
Decision Date	15/12/2011

Application Reference:	H/04337/11
Case Officer:	Colin Leadbeatter
Proposal:	Submission of details for Condition 9 (Open Space Strategy) pursuant to planning permission H/04017/09 dated 22/09/11
Stat Start Date	24/10/2011
Application Type	APD
Decision	Approve with conditions
Decision Date	03/01/2012

2.3 Consultations and Views Expressed:

Public Consultation

Neighbours Consulted: 314

Replies: 1

Neighbours Wishing 0

To Speak

One comment has been received from 5 The Ridgeway raising the following: Concerns over the possibility that there will be inadequate visitor parking leading to additional parking on The Ridgeway and Bittacy Hill. Bittacy Hill is already overcrowded and parking on The Ridgeway is dangerous. Extensive on site visitors parking should be provided.

Response: The above comment on visitor parking relates to the parking for the doctors surgery to be provided in the Officers' Mess building. Furthermore, any other visitors parking for the Phase 2 residential development would be dealt with under the detailed reserved matter application, which is yet to be submitted.

Internal /external and Other Consultations:

- Greater London Authority (GLA) – No comments received
- Metropolitan Police Service – No objection in principle.
- Transport for London – No objections to the proposal.
- Environment Agency – The site is less than one hectare and in Flood Zone 1 and the EA does not assess the drainage for such sites. They seem to follow the guidance for sustainable drainage systems that the EA would offer.
- English Heritage – No comments received
- London First – No comments received
- Sustrans – No comments received
- Thames Water – No observations to make
- Natural England – From the information submitted, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on.
- Environment and Transport, Green Spaces – No comments received.
- Traffic and Development (Highways) - Questioned the layout for pedestrians from Bittacy Hill; the location of the gullies that are connected to the manhole; refuse lorries access; there appears to be a flat spot within the carriageway to the south of the Officers Mess garden. This is at the low spot where the

<p>drainage system diverts and heads towards the connection with the Bittacy Hill sewer. Additional levels may be required to confirm if the surface water will drain appropriately; manoeuvres in to the two car parking spaces located on the small access road may prove difficult; there appears to be a lack of access for disabled users.</p> <p>Following clarifications from the applicant, Transport and Development team has confirmed that there are no objections.</p>
<p>- Environmental Health - the information submitted is for Condition 63 (iii) of the outline consent. Condition 65 of the outline consent is for the contamination remediation verification report, which will require the developer to demonstrate completion of the works set out in the approved remediation strategy.</p>
<p>- Street Lighting – No comments received</p>
<p>- Trees and Landscape Team - The submitted documents are not sufficient to provide a full assessment or allow the trees to be easily identified; the RPAs for Trees 185 and 187 extend beyond the boundary and would be affected by the residents' parking area for the Officers' Mess. It is necessary to take account of the potential impact of this, especially in terms of implications for RPA incursion and protective fencing; the piped connection from the underground storage appears to be within the RPA of the Oak tree 185; the proposed S2 picnic bench under this Oak tree may not be the most sensible location; The lighting cables for the uplighter under this tree may also exacerbate the impact; how does the removal of the existing hedges affect the roots of Tree Nos. 185 and 187 - this situation is seen elsewhere on the site and further information on the methods of such removal is required. More importantly, we would need to know the method of construction so we can assess how this may affect the roots, eg. for removal of the hardsurfacing and the construction of the new pathway; the Method Statement for Protection of Trees is considered to be deficient; The use of poisonous plants in the Toddlers Garden may not be the most appropriate choice.</p> <p>Following clarifications and amendments from the applicant, the Trees and Landscape Team raises no significant objections to the scheme subject to conditions. The above is also address in the report below.</p>
<p>- District Scout Committee – No comments received</p>
<p>- Woodside Park Gardens Suburb – No comments received</p>
<p>- Mill Hill Residents Association – No comments received</p>
<p>- Ridgmont Residents Association – No comments received</p>
<p>- Federation of Residents Association – No comments received</p>
<p>- The Finchley Society – No comments received</p>
<p>- Mill Hill Preservation Society – No comments received</p>
<p>- International Bible Students Association (IBSA) – No comments received</p>

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

3.1 Site Description and Surroundings:

In September 2011 outline planning permission was granted for the redevelopment of a site known as Mill Hill East. This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy

Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The site comprises of the former Inglis Barracks, the Councils depot and recycling centre and the Scout camp.

Consent was granted for a residential-led mixed use development, involving the demolition of all existing buildings (excluding the Officers' Mess building) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre and associated open space, means of access, car parking and infrastructure in September 2011.

The site to which this specific submission relates covers an area approximately 0.68 hectares (Ha) in size, located on the north-west part of the Mill Hill East regeneration site (now also known as Millbrook Park) and to the south of the locally listed Officers' Mess building. The site falls within the central part of Phase 2 (or Development Land Parcel 2) of the outline consent and is one of the key public open spaces (POS) for the whole development site. This area of public open space is identified as Phase 2 'Open Space 1' (OS1) on the approved Phasing Plan (pursuant to condition 6 Overarching Phasing Plan ref H/04338/11). The northern boundary of the site is defined by the footprint of the retained Officers' Mess building, and the western and eastern boundaries are currently defined by grassed areas. The southern boundary comprises a number of trees on a banked terrace.

The south, west and eastern boundaries will eventually be defined by the layout of an estate road approved under planning permission ref H/00642/12, which was for the advanced infrastructure works. This estate road will be the primary link between Bittacy Hill and Bray Road serving the residential properties in Phase 2.

The site is currently laid out as gardens (associated with the former Officers' Mess use) and includes a mix of grassed areas, hedges and planting. The site area also includes the hard standing to the front of the Officers' Mess, which currently provides vehicular access via existing gates from the adjacent road. The site also accommodates the Middlesex Regiment War Memorial to the east of the gardens, which is bordered by a mature laurel hedge. This garden also contains several smaller commemorative stones. A banked terrace to the south of the garden is planted with a variety of trees and shrubs and a small number of trees to the south east part of the site and to the east of the Officers' Mess building are protected by a Tree Preservation Order (TPO).

For the past few years, following the decommissioning of the wider site, the Officers' Mess building and gardens have been vacant.

3.2 Proposal

The proposed development comprises the landscaping of the Officers' Mess gardens, which includes new planting, creation of new footpaths and stepped access, provision of a play area, a rain garden, cycle stands, street furniture and lighting.

The proposal extends the existing gardens towards the east, and due to the relocation of the proposed Phase 2 estate road (approved under ref H/00642/12), the existing road and kerbs will be removed and grassed over.

The key areas are as follows:

1) Eastern area: The main entrance to the Gardens from the east will create a new gateway, which connects a proposed path through to the retained existing gateway and then to the Officers' Mess and gardens beyond. The path runs through the Woodland Garden which has an informal character.

2) The main route through the Gardens to the front of the Officers' Mess building will provide shared access to both the park and the building, which incorporates resin bound gravel and planting in formal borders. The path connects with the GP surgery's car park to the west, which falls outside the application boundary for the gardens, but is shown for reference.

3) Play space: The area which housed the war memorial will be refurbished to create a toddlers garden (informal play area) encompassing play boulders and grass mounding. The existing laurel hedge will be retained to provide a boundary to this area with a short section removed to facilitate a new path.

4) Central garden: The central area in the garden will incorporate a 'sunken' formal lawn bounded to the north by a path with seating and formal planting beyond. A 'rain garden' is proposed to the east of the lawn (adjoining the war memorial area). An underground storm water tank is also proposed under the lawn. This rain garden and water tank is part of the wider SUDs network and is designed to look like a dry river bed with shrubs, pebbles and boulders.

5) Southern bank: The bank to the south of the gardens will include much of the existing vegetation. Some re-profiling is proposed to facilitate the adjacent carriageway and will include two timber retaining walls (already approved under permission for the infrastructure works ref H/00642/12). New steps are proposed up this southern bank connecting the estate road up to the gardens. Metal estate rail fencing is proposed along part of the bank adjoining the road.

Access

Three main points of access are provided. To the west, the gardens will be accessed from a path through the GP surgery's visitor car park and to the east from an entrance on the new road adjacent to the Phase 3 development. The stepped access is provided to allow connection from the lower level up (from the estate road) into the gardens. Access from the east and west are level and have a minimum gradient of 1:35 with a combination of clay block paving and resin bound gravel. Due to the levels of the site, there are areas where stepped access is provided to the formal lawn.

The gardens will be developed by the applicant - The Inglis Consortium (IC) - , with the area of planting proposed immediately in front of the Officers' Mess building to be installed separately by the developer of Phase 2.

Trees

The submitted plans indicate that there will be the removal of some trees on the site, but these have been previously approved at various stages since the outline planning consent.

Drainage

Water storage will be provided within a rain garden including a planted area designed to take rain water connected by a series of shallow swales or channels around the perimeter of the central grassed area to the front of the Officers' Mess building. This will collect rain water from the adjacent roof and car park and the capacity being approximately 1300sqm.

An underground attenuation tank is proposed under the formal lawn and is designed to accommodate approximately 400m³ of storage, which will be utilised up to the 1 in 30 year design storm.

Street furniture

Street furniture will include seating, lighting and litter bins. Lighting along paths will be bollard type lighting with up-lighters under some trees to the east. Timber bollards are proposed along the estate road to the south to deter cars from parking on the grassed verges of the gardens. Cycle stands are proposed in front of the Officers' Mess building.

Discharging of conditions

This application also involves the discharging of a number of planning conditions attached to the outline consent that is relevant to this public open space phase. Those conditions that are to be approved are as follows:

Condition 5 – Reserved Matters Details (as outlined above).

Condition 26 – Pedestrian and Vehicular Access Points

This requires details of access points (pedestrian and vehicular), estate roads and footways.

Condition 48 – Design of Open Space

This requires details on the construction of any communal open space and should be in accordance with the principles and parameters contained within Parameter Plan 2, Landscape (A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1).

Condition 52 – Children's Play Space

This requires details of children's play areas to be submitted and approved and shall be provided within 12 months of the first occupation of any dwelling located within that phase.

4. PLANNING CONSIDERATIONS

4.1 The Principle of Development

The principle for this application has been established by the previous outline planning consent H/04017/09 (dated 22nd September 2011). Condition 5a seeks details to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development. The open green spaces in Millbrook Park is considered to be a key element of the outline consent as it provides essential

amenity space for residents, along with maintaining the overall green nature of the site.

The outline planning permission consists of a series of parameter plans which establish a series of parameters and principles to create a clear framework of planning control and fix the quantum of development, land uses, levels and access arrangements.

The key parameter plans of relevance to the consideration of this application are:

- Parameter Plan 2: Landscape
Establishes the location and extent of areas of public open space.
- Parameter Plan 3: Land use
Establishes the location and distribution of land uses and open spaces.
- Parameter Plan 6: Levels Strategy
Establishes the proposed spot levels at street junctions and maximum permissible gradients along each of the streets.

In order to support the detail contained within the Parameter Plans the outline consent has a number of additional documents that form a 'strategic development framework' in accordance with the requirements of Policy MHE18 of the AAP. The 'framework' establishes a series of development principles that will be used to guide detailed elements and the preparation of reserved matter applications. Of relevance to the consideration of this application are the following documents:

- Design Principles Document;
- Phasing and Delivery Strategy
- Revised Public Realm and Open Space Strategy
- Technical/Infrastructure Strategy

The applicant has submitted a statement of compliance with this application to describe the proposed development and demonstrates general compliance with the outline planning permission.

The outline planning consent allows the Millbrook Park development to be implemented in a series of phases and this application relates to Phase 2 (POS). Phase 2 as defined in the approved Phasing and Implementation Plan (pursuant to Condition 6) includes public open spaces and residential development. The public open spaces comprise two areas in Phase 2, namely referred to as OS1 (Officers' Mess Gardens) and OS2 (land to the north/south of the Officers' Mess gardens). This application relates to OS1 only as detailed proposals for OS2 are to be submitted at a later date (likely to be part of the reserved matters application for Phase 2 residential development). This open space in OS1 is to be delivered prior to the completion of 75% (700 residential units) in the Green Belt Edge and Central Slopes Character areas (as set out in the Design Code). There is no set trigger for the delivery of OS2.

The gardens sit within the spatial parameters defined on Parameter plans 2 (Landscape) and 3 (Land Use) and though there are minor variations to the boundaries set out on these plans, the location of the public open space is acceptable and in accordance with the outline consent. The approved 'Revised

Public Realm and Open Space Strategy August 2010' at the outline stage sets out the key principles for the design of each open space and the Officers' Mess gardens sit broadly within the parcel of land that has been allocated.

The approved Design Code pursuant to Condition 4 of the outline consent (ref H/04565/11) also sets out the guidelines for how the site, its neighbourhoods, open spaces and key amenities could be designed and built. It informs the formulation of individual reserved matter applications related to specific phases of development. Site-wide or phase related reserved matters must be in compliance with the agreed Design Code unless satisfactorily justified and this will be assessed in detail below.

4.2 Amount of open space

Other relevant planning controls for this application are Condition 6 and Condition 9 of the outline consent (Open Space Provision ref H/04337/11). Condition 9 required that prior to the commencement of development (other than Phase 1) details of the location, size and timing of provision of the open space shall be submitted to and approved in writing by the LPA, and then maintained thereafter. Both conditions included a plan of the whole site showing the areas of open spaces and development blocks on an illustrative scale.

Condition 15 (Level of Open Space) of the outline consent sets out the level/target of open space to be provided across the whole Millbrook Park site. It states the following:

“Not less than 5.95 Hectares of open space shall be provided in the development which will consist of a target provision in the following areas:

- *Panoramic Park 1.37 Hectares*
- *Central Community Park 0.46 Hectares*
- *Officers' Mess Gardens 0.76 Hectares*
- *Eastern Park 0.42 Hectares*
- *Public Square 0.3 Hectares*
- *Northern Pocket Parks 0.35 Hectares*
- *Open Space to north/south of Officers' Mess 0.29 Hectares*
- *School Playing Fields 1.30 Hectares*
- *Woodland 0.70 Hectares*

As detailed in Parameter Plan 2(A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1) unless otherwise agreed in writing by the Local Planning Authority”.

This condition was imposed to ensure that appropriate provision of open space is provided throughout the development, but it is set out to allow some variation as each area is to achieve a 'target', with the minimum of 5.95Ha across the whole site to be provided.

Both conditions 6 and 9 were approved and are in accordance with Condition 15 whereby the Officers' Mess gardens (OS1) would provide 0.76Ha and Open space to north/south of Officers' Mess (OS2) would provide 0.29Ha. The total area within this Phase 2 would equal 1.05Ha.

This application for OS1 (Officers Mess Gardens) provides for an area extending to approximately 0.68Ha. It is accepted that when the original masterplan and parameter plans were drawn up the area calculated would have been approximate. The detailed design work would inevitably produce minor variations as the boundaries of the open spaces are eventually defined. 0.68Ha is approximately 90% of the 0.76Ha target. The shortfall of 0.08Ha is not considered to be significant and the Applicant has shown how the remaining open spaces are to be achieved in OS2 (Open Space to north/south of Officers' Mess) in Phase 2. The areas of open space in OS2 include areas to the north and south of the Officers' Mess and the Applicant has broadly indicated where these could be provided – namely north east, north west and the strip of land to the south east of Phase 2. The total area that could potentially be achieved in OS2 is approximately 0.3Ha (original target to be 0.29). The delivery of OS2 will form part of the Phase 2 residential reserved matters application (a separate application).

It is acknowledged that the total area of public open space (OS1 and OS2) for this part of the site would equal 0.98Ha and not achieving the target of 1.05Ha (a shortfall of 0.07Ha), but the Applicant has also demonstrated that the minimum total of 5.95Ha could be provided across the whole Millbrook Park site in their reconciliation table and 'Plan Illustrating Areas of Open Space' (2133-LA08 Rev D). It is envisaged that this plan and table is submitted for every reserved matter application that include the open spaces to ensure the minimum across the whole site can be achieved. In light of this and provided the minimum total area of open space can be achieved, there is no objection to the slight shortfall in provision of the Officers' Mess gardens.

4.3 Play Space provision

The proposal provides a toddlers garden/informal play area totalling more than 300sqm and comprises play boulders set in the ground and mounding within the lawn area. There are discrepancies between the Design Code and the Revised Public Realm and Open Space Strategy where both documents state that a 'Local Playable Space' should be provided in the Officers' Mess gardens (landscaping and equipment for 0-11 year olds with a minimum of 300sqm area). However, there are also references in the documents to the provision of a toddlers/doorstep play area (landscaped informal play areas with a minimum of 100sqm area).

Given that this site would be fronting the locally listed Officers' Mess, the proximity to the residents and the character being formal, it is considered that a toddlers play space would be more appropriate and sensitive in this location. The play features are low lying and integrate well with the formal nature of this garden and would not impact on the setting of the locally listed building. The design of the play space reflects the character of the space. The proposal hereby satisfies the requirements of Conditions 48 (Design of Open Space) and 52 (Children's Play Space).

4.4 Environmental Impact Assessment

Under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, an application for a formal opinion from the LPA on the need for an EIA ('screening opinion') was submitted alongside this application and the decision was that an Environmental Statement, in line with the Regulations was not required (application ref H/03088/12, dated 28th August 2012).

4.5 Design and Layout

The approved 'Revised Public Realm and Open Space Strategy' and the Design Code establishes the design principles for the landscape works. The submitted plans demonstrate that the proposals are broadly in compliance with the design principles. The key spaces have been laid out appropriately;

- The new main entrance from the east is maintained and provides access to the GP surgery visitor's car park.
- A toddlers garden will be created in the area formerly housing the war memorial.
- Formal grassed garden area sunken in the central part bounded by the path and formal planting to the north and estate rail fencing to the south. Seating is provided.
- Provision of underground storm water tank is proposed under the formal lawn.
- Provision of rain garden to the east of the site – though the Design Code had proposed the rain garden to be around the perimeter, the overall attenuation measures are sufficient, this is acceptable.
- Vegetation and mature trees would be retained on the southern bank.
- Ornamental planting to the front of the retained building.

4.6 Access matters

Access path to the gardens with appropriate gradient helps to promote connectivity and movement through and around the Officers' Mess. This is further enhanced by a proposed stepped access linking the gardens to the south and the estate carriageway. Whilst an inclusive accessible environment should be achieved for the public, the 'sunken' garden requires steps in front of the Officers' Mess building due to the topography of the site. Regardless, a path will be provided to access the formal garden. Similarly, due to the steep levels of the south bank, the proposed southern steps would not provide all level access, but the railings and step features would be in line with best practice for the needs of people who are ambulant disabled.

The access aspirations of the Design Code is to ensure the parks and open spaces are open to all with no gated or restricted access and should be designed with as many access points as possible. The proposal achieves this and also satisfies the requirement of Condition 26 (Pedestrian and Vehicular Access Points).

4.7 Impact on Resident's Amenity

The proposed landscaping works would improve the visual amenity for the future residents in the Officers' Mess. The formal border planting immediately outside of the building would be low lying shrubs and therefore would not infringe on the occupants' light or outlook. Where new trees are proposed, these are situated away from the windows. The path in front of the Officers' Mess building would provide access to the general public and has the potential to generate disturbance and privacy issues for the ground floor occupants. However, the shrubs in front would provide some kind of buffer/defensible space, which is considered acceptable.

The locations of street lighting columns are indicative and will be reassessed upon submission of any further reserved matters application adjacent to the street lighting hereby approved. The proposal would not significantly impact on the residents' amenity.

4.8 Archaeology and Cultural Heritage

The removal of the Middlesex Regiment war memorial has already been established under permission ref H/02848/10, but has yet been physically removed from the site at the time of writing this report.

The Officers' Mess building is locally listed and contributes to the Borough's heritage and character. Policy DM06 highlights that the impact of the proposal on the setting of the heritage asset should be considered. The setting of a heritage asset is often an essential part of the building's character. The impact of development which affects the setting of a heritage asset will require careful scrutiny.

The proposal would improve the general appearance of the gardens and therefore its overall setting. It is not considered that the landscaping works would harm the setting of this locally listed building and complies with London Plan Policies and Policies CS5 and DM06.

When the outline planning application (H/04017/09) was considered an archaeological assessment established that no physical archaeological remains are known to be present in the site but that the potential exists for such remains to be present. The potential adverse impacts identified by the assessment would arise from the loss of physical remains.

Details relating to Condition 61 (Written Scheme of Archaeological Investigation) attached to the outline planning permission was approved under application reference H/04189/11 on 23rd November 2011.

Details were submitted that cover a written scheme of investigation for trial trenching on the site. In consultation with Greater London Archaeological Advisory Service (GLAAS) the applicants proposed a series of trial trenches to be dug on the site to evaluate the potential for archaeological finds. A written scheme of investigation was also submitted as part of the Phase 2 Advanced Infrastructure works application (ref H/00642/12) and was considered acceptable. Trial trenches are not proposed within the Officers' Mess gardens site area. An informative was added to the consent H/04189/11 to ensure any heritage assets of significant archaeological interest that may be uncovered during the course of initial trial trenching, further mitigation may be required.

It is considered that there would be no adverse impacts in relation to archaeology that will arise from the proposal and that it therefore complies with the relevant national, regional and local policies.

4.9 Hard and soft landscaping

The primary paths will be a combination of clay block paving and resin bound gravel in accordance with the Design Code. The incorporation of the timber deck is considered acceptable given its setting within the gardens. The use of York Stone paving slabs in the toddlers' area is considered acceptable in visual terms.

Adequate seating areas are provided in the gardens and are easily accessible.

The proposed lighting scheme comprises a combination of low lighting bollards, uplighters and 6m high street lights. The use of bollard type lighting along the paths and the uplighters to the east would not significantly affect the residential flats in the Officers' Mess.

The street furniture will be predominantly timber to be sympathetic with the design of the gardens and in accordance with the Design Code (Indicative Distribution of Street Furniture and Lighting in Open and Key Spaces). Bin locations are considered appropriate and are some distance away from the residential properties within the Officers' Mess.

The proposal also includes an information board on the path, which will contain historic information of the wider site. A condition is recommended for further details to be submitted and approved.

The formal lawn is bounded by an estate metal fencing to the west and south. This 1.2m high black fencing is also proposed along part of the southern boundary adjoining the road and gives enough permeability and views into the garden. The timber bollards proposed around the western and southern boundary of the gardens to deter cars from parking on the grassed verges is considered acceptable.

The planting around the toddlers play area has been amended following consultation with the tree officer. The planting species proposed are generally considered appropriate and the layout is considered acceptable.

4.10 Trees

The submitted plans indicate that there will be the removal of some trees on the site, (a total of 9) but these have been previously approved at various stages since the outline planning consent. The approved Parameter Plan 2 showed the category A and B trees to be removed on the site. The permission for the Advanced infrastructure works (ref H/00642/12) also identified trees to be removed to facilitate the Phase 2 infrastructure road.

Condition 53 of the outline consent related to the protective fencing around trees (ref H/4403/11) showed Tree 189 (Cotoneaster spp) that was identified at the outline stage as being removed but is subject to a future reserved matter application. This reserved matter application is now confirming the intention to remove this tree. Since this is a category C tree and the above approval, no objection is raised to the felling of this tree. No TPO trees will be lost.

The removal of existing hard standing and laying of new paths/hard standings within the root protection areas (RPAs) will potentially impact on some of the trees, but with careful method of construction, the replacing of existing hard standing with a combination of soft landscaping and porous surfacing may result in improved growing conditions for trees. It is acknowledged that there is the potential to cause some injury at the time of construction when working over large sections of the RPA and that close arboricultural supervision will be required. The applicant has proposed that most of the work (removal of existing hedges and hard standing)

would be done by hand and specialist no-dig construction techniques should be used in certain locations. To ensure the tree's health is not severely impacted, it is recommended that condition requesting the submission and approval of detailed method statements and mitigation measures be imposed.

Following negotiation with the council's tree officer and the applicant, the sub surface drainage infrastructure and the picnic bench has been amended/relocated in order to reduce the impact on the T80 Oak, Tree 185.

It is acknowledged that the RPAs for Trees 185 and 187 extend beyond the boundary and would be affected by the residents' parking area for the Officers' Mess. Nevertheless, this is outside of the red line site boundary and it is noted that this parking area has already been granted consent with further detailed parking layout to be approved under Condition 91 of the outline consent.

In summary, with appropriate condition relating to the method of construction the effect on the health of existing trees can be addressed and appropriately mitigated.

4.11 Transport and Highways matters

The carriageway to the south was approved under the Phase 2 Advanced Infrastructure works application ref H/00642/12 and is being constructed as part of the outline planning consent and will connect Bittacy Hill in the west to Bray Road which falls to the south adjacent to the Notting Hill Housing Trust estate. There is an existing drive way into the Officers' Mess and it is proposed that this hard surfacing is removed and to be replaced by pedestrian paths. The visitors' car park for the GP surgery does not form part of this application, but is shown for reference.

It is considered that the proposed level changes are acceptable and fall within the established and approved parameters as set out under Parameter Plan 6.

No objections have been raised by the Highways team and their comments related to the drainage system, which is discussed below. Highways team has questioned the provision of access for disabled users. However, as discussed above, due to the steep levels of the south bank, the proposed southern steps would not provide all level access, but the railings and step features would be in line with best practice for the needs of people who are ambulant disabled. All other routes into the garden would have level footpaths.

4.12 Water Resources

The inclusion of SUDs has been a key principle in developing the infrastructure of the wider Millbrook Park development. As part of the wider SUDs and drainage strategy, an underground storm water tank is proposed under the formal lawn and will take water from adjacent residential phases, with pipe work and the structure itself being located away from the root protection areas. The rain garden will be included to take rain water run-off from adjacent roofs/hard surfaces.

The Environment Agency has not objected to the proposal. The provision of the underground water tank and the rain garden is in accordance with the SUDs strategy approved under Conditions 43, 44 and 46 of the outline consent (drainage) and the Design Code. LBB's Highways Team raise no objections to the drainage system.

The Flood and Water Management Act (2010) and the commencement of the National Standards for Sustainable Drainage (likely to be 2012) will simplify the process for adopting SUDs components. The SUDs Approving Body (the Local Authority) will adopt and maintain approved (inline with standards) SUDs schemes serving two or more properties. The SUDS infrastructure will be managed/maintained by RMC1 for an interim period before being adopted by LBB (this will be at the earliest opportunity following enactment of the emerging legislation that controls SUDs).

4.13 Contaminated Land issues

The Applicant has submitted a note on the ground conditions and contamination issues for the attenuation tank, which is based upon the recommendations contained with the Phase 2 Remediation and Reclamation Strategy (ref H/00642/12). Environmental Health Team has not raised any objections, but has advised that the information submitted is for Condition 63 (iii) of the outline consent. Condition 65 of the outline consent is for the contamination remediation verification report, which will require the developer to demonstrate completion of the works set out in the approved remediation strategy.

4.14 Ecology and Nature Conservation

The AAP encourages the planting of native species to encourage biodiversity. The Environmental Statement at outline stage concluded that there are no overriding concerns with respect to ecology and nature conservation preventing redevelopment taking place. It is acknowledged by the AAP that the site is of limited nature conservation importance and it is considered that the development provides the opportunity to enhance the diversity of habitats across the site through the planting of native species. The planting of native species will encourage a greater number of birds, invertebrates and other fauna.

The planting scheme is broadly in accordance with the planting strategy in the Design Code.

An Ecological Mitigation and Management Plan (EMMP) was approved in order to discharge Condition 60 of the outline planning consent under application reference H/04184/11 (24th November 2011).

The purpose of the EMMP was to set out a management programme for the enabling phases of works to safeguard and enhance the features of importance to nature conservation present within the application site. The EMMP set out a summary of the current site conditions and the existing surveys already undertaken. This then set out to identify those features and to create the general principles to guide their management. For those highlighted features, the document set out a method for their protection and enhancement, concluding with management objectives over the course of the development process, along with a framework for monitoring and further management actions.

It was considered that the document as approved demonstrated a comprehensive overall management plan for ecological assets on the application site. Furthermore, a revised Phase 2 Habitat (Ecological) survey was submitted which

confirmed that no further ecological constraints have emerged since the outline planning permission was granted.

Based on the recommendations in the Environmental Statement and the EMMP, trees should be retained if possible in the Officers' Mess gardens. Consideration should also be given to the opportunity to install bird and bat boxes within the garden. It was assessed that there are no significant changes to the habitats within the Officers' Mess gardens and therefore it is not expected that there will be any new ecological constraints on this site. The loss of habitat in this area will be non-native shrubs and hedges, which are of negligible ecological value. In the updated bat surveys carried out in 2012, there was no evidence of roosting bats found where up-lighting installations are proposed and therefore would not have a direct impact on roosting bats. If evidence is found of a bat or bats roosting in a tree after the up-light has been installed, ecological should be obtained to determine whether the light can be used or should be switched off/adjusted to avoid disturbance. In planning working practices for the site, the EMMP shall provide guidance and framework during any habitat clearance.

Natural England was consulted and made no comments to the scheme as submitted. There are therefore no significant ecological issues raised in this proposal.

4.15 Management and Maintenance of open space

Condition 5 of the outline consent (Reserved Matters Details) requires that a schedule of landscape maintenance for a minimum period of 5 years be submitted. A Landscape Management and Maintenance Plan outlines the management objectives, regimes and standards. Management of the Officers' Mess gardens will be undertaken by specialist landscape contractors appointed by the Inglis Consortium's Management Company (which will eventually be the responsibility of the Residents Management Company for Millbrook Park). The formal boarder planting immediately outside of the Officers' mess building would be installed and managed separately by the private developer.

5. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities. The proposed paths will slope at an appropriate gradient and will allow easy access for disabled persons and people with mobility impairments which require the use of wheelchairs or other walking aids. The stepped access to the south is due to the constraints of a steep bank and have not allowed for suitable ramped sections, but wheelchair users are able to access the south via the carriageway. It is considered that the proposals are compliant with legislation under the Disability Discrimination Act (DDA).

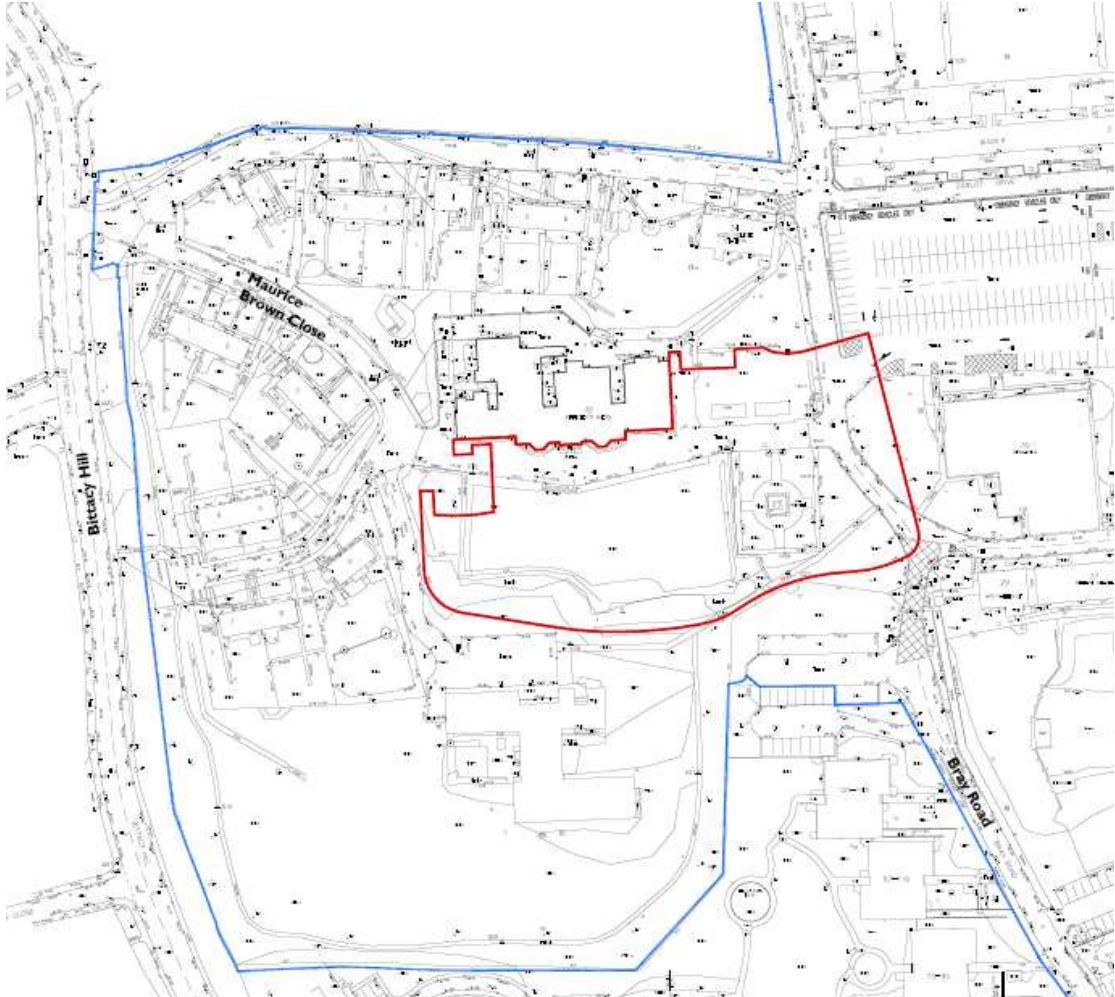
6. CONCLUSION

As conditioned the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site. It conforms with the design principles established in both the approved outline application for the former Inglis Barracks site and the Design Code. The proposal is acceptable on visual amenity, access, highways, biodiversity, contamination and drainage grounds. It satisfies Conditions 5, 26, 48 and 52 of the outline permission.

It is recommended that the application be **approved** subject to discharging the attached conditions.

APPENDIX 1: SITE LOCATION PLAN

Inglis Barracks, Mill Hill East, NW7 1PX



LOCATION: Kingsgate House, Amberden Avenue, London,
N3 3DG
REFERENCE: F/02182/12 **Received:** 18 June 2012
Accepted: 25 June 2012
WARD: Finchley **Expiry:** 24 September 2012

AGENDA ITEM 11

APPLICANT: Berkeley Homes (Three Valleys) Limited

PROPOSAL: Demolition of existing building on the site and the construction of 2, 3 and 4 storey buildings (some with an additional floor of accommodation in the roof space), to provide 40 self contained flats and 24 houses (all Use Class C3), together with new access from Amberden Avenue, associated car parking, cycle spaces, private amenity space, communal amenity space and landscaping.

APPLICATION SUMMARY

Full planning permission is sought by Berkeley Homes (Three Valleys) Limited for the demolition of the existing Police Section House building at Kingsgate House, Amberden Avenue and the redevelopment of the site to provide new residential dwellings and a range of associated infrastructure. The development would comprise the following key elements:

- 24 new houses (Use Class C3) each with their own private rear garden and accommodation provided over three levels.
- 40 new self contained flats (Use Class C3), each with their own private balcony or terrace, provided in a single building with accommodation over five levels (four storeys and an level of additional accommodation in the roof).
- A total of 84 surface level car parking spaces.
- A new area of communal amenity space in the form of a park approximately 450m² in size.
- 14 of the new dwellings provided as affordable housing units.

The existing buildings on the site are no longer required by the Metropolitan Police Service. Their replacement with new residential development of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites such as this.

The design and layout of the development has been influenced significantly by the need to create a scheme that relates acceptably to the character of the wider area and which mitigates the impact of the adjacent A406 on the site, so that a suitable residential environment can be created. This is particularly the case in respect of noise. Examples of how these constraints have shaped the

design approach include the positioning of the block containing the flats so that it shields the remainder of the site and makes it suitable for houses with private rear gardens and the positioning of the new park on the quietest part of the site. Such a layout also helps the development in fitting in with its context, as it the positions houses with private rear gardens (and three levels of accommodation) adjacent to houses with gardens and locates the flats to the more southern part of the site. More generally the proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings all meeting Code for Sustainable Homes Level 4.

The scheme provides an appropriate level of car parking on site (84 spaces for 64 dwellings) for the number and type of dwellings proposed, which reflects the location of the site in an area with a Public Transport Accessibility Level of 1. The scheme has been designed to provide appropriate and safe access for all users and would not result in any significant harm to the local road network.

The landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting), provides an appropriate setting for the buildings proposed and includes the planting of 74 new trees. The development would result in the removal of a total of 64 trees from the site, of which 44 are covered by a Tree Preservation Order. However it is considered that the replacement planting proposed provides adequate mitigation for this. The remaining 29 trees on the site which are covered by the preservation order would be retained.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

The current scheme is considered to have overcome the concerns that the Planning and Environment Committee expressed about the previous application which it considered for this site (in 2009). The application is found to propose a positive development that would comply with the relevant policies in the development plan and Local Plan and provides high quality new residential accommodation. The proposal is considered to be acceptable and is recommended for approval subject to conditions, following the completion of a suitable section 106 agreement.

RECOMMENDATION

Approve subject to:

Recommendation 1

The applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following:

- (a) Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (c) Affordable Housing
The provision within the development of the following affordable housing units -
- 8 Affordable Rented units in total comprising:
2 x one bedroom two person flats
5 x two bedroom four person flats
1 x three bedroom six person flats
- 6 Intermediate (Shared Ownership) units in total comprising:
2 x one bedroom two person flats
4 x two bedroom four person flats
- (d) Healthcare
A contribution of **£69340** towards improvements to health facilities within the borough as identified by the Local Health Authority.
- (e) Education
A contribution of **£387199** index linked towards education provision in the borough.
- (f) Libraries
A contribution of **£11906** index linked towards the provision of library facilities within the borough.
- (g) Travel Plan
The applicant shall enter into a Travel Plan that seeks to reduce reliance on the use of the private car, promotes sustainable means of transport and appoint an appropriately qualified Travel Plan Coordinator.
- (h) Travel Plan Monitoring
A contribution of **£5000** index linked towards the monitoring of the Travel Plan for the development.
- (i) Notting Hill Training Initiative
To enter into a formal agreement with the Notting Hill Housing Trust to include provision for the following:
- An agreed number of trainee places (with a specified duration for each placement) to be provided on the site of the Affordable Housing element of the scheme.
 - A commitment to pay a percentage of the build costs of the Affordable Housing element of the scheme to cover general

running costs (including matters such as trainees' fees, fares and tools).

- A commitment to pay a "provisional sum" expressed as a percentage of the build costs of the Affordable Housing element of the scheme to cover trainees' wages.

(j) Off Site Biodiversity enhancement

A contribution of **£5000** index linked towards the provision of biodiversity enhancements for Great Crested Newts within the borough.

(k) Monitoring of the Section 106 Agreement

A contribution of **£9569** index linked towards the monitoring and management of the S106 planning obligations.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1, the Acting Assistant Director of Planning and Development Management approve the planning application reference F/02182/12 under delegated powers subject to the following conditions and any changes to the wording of the conditions considered necessary by the Acting Assistant Director for Planning and Development Management:

COMMENCEMENT

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

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

PLANS OF THE DEVELOPEMNT

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

A-02-10 (revision A); A-02-11; A-02-20; A-03-00 (revision B); A-03-01 (revision A); A-03-02 (revision A); A-03-03 (revision A); A-03-04 (revision B); A-03-05 (revision A); A-04-01 (revision A); A-05-100 (revision A); A-05-101 (revision A); A-05-104 (revision A); A-05-105 (revision A); A-05-106; L-90-001 (revision A); L-90-001 (revision A); L-90-002 (revision A); L-90-003 (revision A); L-90-004 (revision A); L-90-005 (revision A); L-90-006 (revision A); L-90-007 (revision A); L-90-008 (revision A); L-90-009 (revision A); L-90-010 (revision A); L-90-011 (revision A); and L-90-013

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the project as assessed in accordance with policies GSD, GBEnv1 and GBEnv2 of the Barnet UDP 2006 and policy 1.1 of the London Plan 2011.

MATERIALS

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence unless and until details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 GBEnv1, GBEnv2, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

SITE LEVELS

4. Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies GBEnv1, GBEnv2, GBEnv3, GBEnv4, D1, D2, D3, D11 and D13 of the Barnet UDP 2006 and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan 2011.

MEASURES TO ENSURE PRIVACY

5. Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby approved shall be occupied until details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies H16 and H17 of the Barnet UDP 2006.

6. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows, rooflights and external doors in the buildings hereby approved, other than those shown in the approved plans, shall not be undertaken without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties in accordance with polices H16 and H17 of the Barnet UDP 2006.

REFUSE AND RECYCLING

- 7 Notwithstanding the details submitted with the application, before the development hereby permitted is brought into use or occupied details of the:
- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
 - ii. satisfactory points of collection; and
 - iii. details of the refuse and recycling collection arrangements

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with polices GBEnv1, GBEnv2 and H16 of the Barnet UDP 2006.

ACCESSIBILITY

8. All 64 of the new residential dwellings (use class C3) within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan 2011.

9. Before the development hereby permitted commences details of the location within the development and specification of the 7 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 7 units shall demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The

development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan 2011.

SUSTAINABILITY

10. The 64 residential units (use class C3) in the development hereby permitted shall all be constructed to achieve not less than Code Level 4 in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme). No dwelling shall be occupied until formal certification has been issued confirming that not less than a Code Level 4 has been achieved and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies GSD and GBEnv2 in the Barnet UDP 2006 and policies 5.2 and 5.3 of the London Plan (2011).

NO TELECOMMUNICATIONS EQUIPMENT

11. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part of the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies GBEnv1, GBEnv2, D1 and D2 of the Barnet UDP (2006).

CONTAMINATED LAND

12. Part 1

Before development commences other than for investigative work:

- A contaminated land desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and

receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until these details are approved in writing by the Local Planning Authority.

- If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - a risk assessment to be undertaken;
 - refinement of the Conceptual Model; and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority prior to the commencement of the development.

- If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring to be carried out shall be submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety and to comply with policy ENV14 of the Barnet UDP.

BIODIVERSITY

13. Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

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 GSD, GBEnv2, D1 and D11 of the Barnet UDP 2006 and policies 5.11 and 7.19 of the London Plan 2011.

14. Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in

place to ensure that the clearance of the site and construction of the development hereby approved does not harm or result in the disturbance of breeding birds shall be submitted to the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the approved scheme of measures.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies GSD, GBEnv2 and D1 of the Barnet UDP 2006 and policy 7.19 of the London Plan 2011.

WATER AND DRAINAGE

15. The development hereby permitted shall not commence until a drainage strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with Policies 5.13 and 5.14 of the London Plan 2011.

16. The dwellings hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

17. The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

18. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Ref: HH4110457/HBG/008, Issue 4, 4 September 2012) and the following mitigation measures detailed within:

- Limiting the surface water run-off generated by the 1 in 100 chance in any year storm event, taking the effects of climate change into account so that it will not exceed the maximum discharge to the Thames Water Sewer.
- Provision of storage on site to attenuate all storm events up to and including the 1 in 100 chance in any year storm event, taking the effects of climate change into account.
- Use of Sustainable Drainage Systems including permeable paving.

The mitigation measures identified above shall be fully implemented prior to

occupation of the development.

Reason:

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in line with policy 5.13 of the London Plan and the National Planning Policy Framework.

NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION

19. No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies GBEnv1 and ENV12 of the Barnet UDP 2006.

20. Prior to the commencement of the development hereby permitted a scheme of air pollution mitigation measures to be provided in the development shall have been submitted to the Local Planning Authority and approved in writing. The approved air quality mitigation scheme of measures shall be implemented in their entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future occupiers are protected from the poor air quality in the vicinity and in accordance with policy 5.3 of the London Plan 2011.

21. Prior to the first occupation of the development hereby permitted a scheme detailing the servicing and maintenance regime to be in place for the air pollution mitigation measures installed in the development shall have been submitted to the Local Planning Authority and approved in writing. The air quality mitigation measures in the development shall be serviced and maintained in full accordance with the approved details in perpetuity.

Reason:

To ensure that the amenities of future occupiers are protected from the poor air quality in the vicinity and in accordance with policy 5.3 of the London Plan 2011.

22. Prior to the commencement of the development a scheme of measures to be incorporated in the development to mitigate the impact of noise from road traffic and any other relevant sources of noise on the occupiers of the development shall be submitted to the Local Planning Authority and approved in writing. The scheme submitted in this respect shall ensure that the levels of noise as measured within habitable rooms of the new dwellings hereby approved shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The scheme submitted in this respect shall include sufficient details and information to adequately demonstrate how these standards would be met. The development shall be implemented in accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with Policies ENV12 and ENV13 of the Barnet UDP 2006.

23. Prior to the first occupation of the development hereby permitted details of the acoustic fencing to be erected on the site shall be submitted to the Local Planning Authority and approved in writing. Prior to the first occupation of the development the acoustic fencing shown in the approved details shall be erected and installed in its entirety and be maintained as such in perpetuity thereafter.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with Policies ENV12 and ENV13 of the Barnet UDP 2006.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO EXTEND

24. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the buildings hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by neighbouring occupiers of their properties in accordance with policies H16 and H17 of the Barnet UDP 2006.

DETAILS OF ARCHITECTURAL FEATURES

25. Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to commence unless and until details (necessary details specified in brackets) of the following features of the new buildings have been submitted to the Local Planning Authority and approved in writing:

- Timber windows and doors (details at a scale of not less than 1:10 or a sample).
- Timber balustrading to balconies (details at a scale of not less than 1:10 or a sample).
- Brick quoins (details at a scale of not less than 1:10).
- Brick window and door surrounds (details at a scale of not less than 1:10)
- Iron rainwater goods (details at a scale of not less than 1:10 or a sample).
- Cornices at the eaves (details at a scale of not less than 1:10).
- Roof ridge and hip tiles (details at a scale of not less than 1:10).

The buildings shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.

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 GBEnv1, GBEnv2, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

LANDSCAPING

26. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the development or any site works a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- the position of any existing trees and hedges to be retained or removed;
- new tree, hedge and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants;
- means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser;
- existing contours and any proposed alterations such as earth mounding;
- areas of hard landscape works including paving, proposed materials, samples, and details of special techniques to minimise damage to retained trees and provide conditions appropriate for new plantings;
- timing of planting;
- all proposed boundary treatments, fencing or means of enclosure to be erected at the site.

Reason:

To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

27. All work comprised in the approved scheme of hard and soft landscaping (submitted under condition 26) shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

Reason:

To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

28. Any existing tree or hedge shown to be retained or trees, hedges or shrubs to be planted as part of the approved landscaping scheme (submitted under condition 26) which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

29. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing trees in accordance with details to have been previously submitted to and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

30. No site works or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason:

To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

31. Before this development or any site works are commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site, including details of how these services will be installed alongside the structural cells to be used, shall be submitted and approved in writing by the Local Planning Authority. The development carried out in accordance with the approved details.

Reason:

To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

32. No development or other operations shall commence on site in connection with the demolition and other development hereby approved until a detailed tree felling and pruning specification has been submitted to and approved in writing by the Local Planning Authority. All tree felling and pruning works on the site shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works*.
- Reason:
To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.
33. Details submitted pursuant to Conditions 4 and 26 to 32 (inclusive) imposed by this Planning Permission shall be submitted at the same time.
- Reason:
To enable the proper consideration of matters relating to site levels, services, protective fencing and landscaping in relation to the protection of trees on the site which represent important amenity features in accordance with policies D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.
34. The development hereby approved shall not be occupied unless and until a Landscape Management Plan, including details of the long terms design objectives, management responsibilities and maintenance schedules (other than for small privately owned domestic gardens), shall have been submitted to the Local Planning Authority and approved in writing. The management of the landscaping at the site shall be carried out in accordance with the details in the approved Landscape Management Plan.
- Reason:
To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3, D11, D12 and D13 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.
35. Notwithstanding the details shown on the plans otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space on the north-western part of the site identified in plan numbers A-03-00 (revision B) and L-90-013 shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.
- Reason:
To ensure that the development represents high quality design and to accord with policies D1, D2 and H18 of the Barnet UDP 2006 and policy 3.6 of the London Plan 2011.

36. Before the development hereby permitted is brought into use or occupied the communal amenity space on the north-western part of the site identified in plan numbers A-03-00 (revision B) and L-90-013 shall be enclosed except at the permitted points of access in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the means of enclosing this area of the site shall not be altered in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development represents high quality design and to accord with policies D1, D2 and H18 of the Barnet UDP 2006 and policy 3.6 of the London Plan 2011.

TRANSPORT

37. Before the development hereby permitted is occupied the car parking spaces shown on plan number A-03-00 (revision B) shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

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 Policies M11, M13 and M14 of the London Borough of Barnet UDP 2006.

38. Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason:

To ensure that parking is provided and managed at the development in the interests of highway and pedestrian safety and the free flow of traffic in the area and in accordance with Policies M11, M13 and M14 of the Barnet UDP 2006.

39. Before the first occupation of the development hereby approved details showing suitable parking and storage facilities for 93 bicycles shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved before the development is occupied and be permanently retained as such thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance

with Policies M4, M5 and M14 of the Barnet UDP 2006 and Policy 6.13 of the London Plan 2011.

40. Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. Details of a community liaison contact for the duration of all works associated with the development.

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 GBEV1, ENV7, ENV12, M2, M8, M10, M11, M12 and M14 of the Barnet UDP (2006) and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan (2011).

41. Before the development hereby permitted is occupied a Travel Plan prepared in accordance with all relevant technical and good practice guidance shall be submitted to and approved by the Local Planning Authority. The development shall be fully implemented and managed in accordance with the approved plan. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies GSD and M3 of the Barnet UDP 2006.

42. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 17 of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

43. Before the development hereby permitted is occupied the nine disabled standard parking spaces shown on plan number A-03-00 (revision B) shall be provided in accordance with the approved drawings.

Reason:

To ensure that parking is provided as proposed in the application and in the interests of pedestrian and highway safety in accordance with policies M14 of the Barnet UDP 2006 and policies 6.13 of the London Plan 2011.

44. Prior to the first occupation of the dwellings hereby approved full plans, details and specifications of the street lighting to be installed as part of the scheme shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policies GSD, GBEnv1 and GBEnv2 of the Barnet UDP 2006.

Informatives:

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 4** of this report. These include (as the first informative) a summary of the reasons for granting planning permission for this development and the relevant development plan policies taken into account in making this decision.

1. 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 published July 2011 and the saved policies of the London Borough of Barnet Unitary Development Plan (UDP), which was adopted May 2006. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies documents. The Core Strategy and Development Management Policies were adopted by the Council on September 11 2012. They are now subject to a 6 week period of legal challenge, which ends on October 30 2012. Very significant weight should be given to the policies in the Core Strategy and Development Management Policies documents. The National Planning Policy Framework (NPPF) (paragraph 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications. Until the Local Plan (Core Strategy and Development Management Policies documents) is complete and the period of legal challenge has passed the policies within the adopted Barnet Unitary Development Plan (UDP) remain in place.

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.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan and Local Plan policies of most relevance to the application is set out below and in **Appendix 1**. In subsequent sections of this report dealing with specific policy and topic areas, there is further discussion, where appropriate, of the key policy background. This is not repeated here or in Appendix 1.

The London Plan and Barnet Unitary Development Plan

Appendix 1 examines in some detail the London Plan, Barnet UDP and Local Plan policies of most relevance to this planning application and appraises the proposal against these policies. Clearly these documents contain a very large number of policies which are to a limited degree relevant and the analysis in Appendix 1 focuses on those which are considered to be particularly relevant to the determination of this application.

In order to present the analysis of the policies in a readily readable form it is set out in a table format. The tables list the policies, describe them and then provide a brief commentary to assess how the proposed development conforms to the requirements of the specific policies. Where appropriate, some policies are combined in order to avoid unnecessary repetition or disjointed discussion.

The officers have considered the development proposals very carefully against the relevant policy criteria and, as Appendix 1 shows, have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan and the Local Plan.

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application. **Appendix 1** sets out the supplementary planning guidance which is relevant to the consideration of this application.

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF 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'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

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. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations. The applicant has agreed the contributions set out in recommendation two.

1.2 Key Relevant Planning History

A full summary of the key planning history of this site is set out in **Appendix 2** of this report. Of particular significance to the current application is an application submitted for 123 apartments and 22 houses (reference F/00245/08). This application was considered by the Planning and Environment Committee on the 1st July 2009. The committee decided to defer the application to seek amendments to the proposal to address concerns it had in respect of:

- The size, scale, design and height of the development.
- The provision of inadequate facilities and amenity for future residents of the development.
- Traffic and access concerns in the area surrounding the application site.

This application was subsequently withdrawn in November 2010.

1.3 Public Consultations and Views Expressed

Public Consultation

A total of **303** local properties and other bodies were consulted on the application by letter and email in July 2012. The application was also advertised on site and in the local press at that time. Following revisions to the design of the scheme a further round of consultation (including letters, emails and site and press notices) was carried out in September 2012.

Number of Responses from Residents

19 responses objecting to the proposal were received. **None** of the objectors have requested to speak at committee. No responses supporting the proposal were received.

Comments from Residents

The comments made in objection to the application are summarised and responded to below. Where appropriate further detail is provided below, in the relevant section of the report.

Highways, transport and Parking:

- The quantity of parking proposed is inadequate and the development would unacceptably exacerbate the existing parking problems in the area as the new residents would be dependent on their cars.
- Development would add unacceptably to the vehicles and traffic in the area and exacerbate the existing access and congestion problems in this location, as well as causing inconvenience to existing residents.
- Proposal would be detrimental to highway and pedestrian safety.
- Surrounding road network is not suitable for the additional vehicles the development would generate.
- Site and proposals should use access from the A406 (North Circular) rather than local roads

Officer Response:

- *With a total of 84 spaces proposed for the 64 dwellings the development is considered to provide a level of parking that is appropriate, given the location of the site, and in accordance with Barnet UDP and Local Plan policies on parking standards.*
- *The Transport Statement submitted with the application demonstrates that the impact of the proposed development is negligible and is unlikely to result in any significant detrimental impact on the flow of traffic or the local highway network.*
- *Conditions and planning obligations have been recommended to ensure that the development would be provided with adequate parking; would not be detrimental to the parking facilities in the area surrounding the site, the free flow of traffic or the local highway network; and that new residents would be encouraged to use non-car modes of transport. These measures include requirements to provide and manage the proposed parking spaces appropriately and requirements for a Travel Plan and a Construction Management and Logistics Plan.*
- *Subject to the controls imposed by the conditions and planning obligations recommended it is considered that the proposal would not be detrimental to highway and pedestrian safety.*
- *Transport for London has expressed concerns about the use of the A406 (North Circular) as a permanent access for the site (although they have in principle agreed its use for a proportion of the construction traffic) and the formation of such an access is not proposed as part of this application. The existing nearby access onto the A406 does not form part of the application site and the access routes and points for the development are found to be acceptable.*
- *As recommended the proposal is considered to be compliant with*

planning policies as they relates to highway, parking, access and traffic matters. These points are discussed in further detail in the report below and in particular in section 3.9 of the report.

Design and Character:

- Proposal is overly dense and represents an overdevelopment of the site.
- Proposal is not sympathetic with its context, has an unacceptable relationship with neighbouring properties and is out of keeping with the character of the area.
- Style, scale, size and height of the proposed buildings and their gardens are out of keeping with the character of the area.
- Proposal would have a detrimental impact on the character of the area.
- Proposal does not comply with policies on design and character matters.
- The use proposed is inappropriate for the area.

Officer Response:

- *The application is found to provide an attractive and high quality traditional design approach that proposes a development of an appropriate design, height, scale, size and mass for this part of the borough and which complies with development plan policy in these regards. It is not considered that the development would have an unacceptable visual impact.*
- *The design of the proposed development is considered to create an acceptable relationship with the neighbouring buildings, street and spaces. An important part of this is the siting of semi-detached and terraced houses with three floors of accommodation adjacent to the existing houses in Kingsgate Avenue and Amberden Avenue. The proposed flats are positioned on the more southern part of the site.*
- *The density of development proposed is considered to make optimum use of this site, particularly given the proposals compliance with development plan policies as they relate to design, amenity, character, parking and other matters. The application is not found to constitute an overdevelopment of the site.*
- *As proposed the development of this site to provide residential dwellings is considered to be an entirely appropriate use.*
- *These matters are discussed in further detail in the report below and in particular in sections 3.3 and 3.5 of the report.*

Amenities of neighbouring occupiers and users:

- Development would have an unacceptable impact on the amenities and quality of life of the occupiers of neighbouring properties and the area and conflicts with planning policies in this regard.
- Development would have an unacceptable visual impact.
- Development would cause an unacceptable loss of light.
- Development would cause unacceptable overlooking and loss of privacy.
- Development would cause unacceptable noise, disturbance and nuisance.
- Proposal would exacerbate the existing problems with wind flows in the area.
- The building works the development would result in would have an

unacceptable impact on their amenities.

Officer Response:

- *The design, size, mass and siting of the proposed development are such that it is not considered to have an unacceptable impact on the amenities of neighbouring occupiers and users in terms of loss of light or visual impact.*
- *Conditions have been recommended to ensure that the development would not have an unacceptable impact on the amenities of neighbouring occupiers in respect of overlooking, loss of privacy, noise and disturbance.*
- *The proposal is considered to be compliant with development plan policy as it relates to the protection of the amenities of neighbouring occupiers and the area, subject to the conditions and obligations recommended.*
- *Conditions have been recommended to ensure the construction works associated with the development would not be detrimental to the amenities of the occupiers of neighbouring properties. These include requirements for a Construction Management and Logistics Plan.*
- *These matters are discussed in further detail in the report below and in particular in section 3.6 of the report.*

General:

- That consultation on and the information provided with the application was inadequate.
- That the revisions to the scheme have not addressed the concerns they raised previously.
- Proposal is detrimental to their human rights.
- Proposal is divisive and would provide poor quality dwellings.
- The additional residents in the borough arising from the development would impact adversely on local services and amenities, including schools, GP services and hospitals.
- Other smaller developments in the area have been refused and it is therefore not clear why this application is being considered.

Officer Response:

- *An extensive consultation has been carried out on the application involving letters, emails and notices being placed adjacent the site and in the local press. The consultation carried out exceeded the minimum requirements of the law and Barnet's own (more extensive) policies on consulting on planning applications of this nature.*
- *Subject to the conditions and obligations recommended the documents submitted with the application are considered to be sufficient and appropriate for its proper consideration and assessment.*
- *The proposal represents a suitable submission, which has been appropriately consulted upon and been found, by officers, to be acceptable and compliant with the relevant planning policies. It is not considered that either the proposal itself or the way in which the application has been processed has breached legislation on human rights.*
- *The application is found to propose a good quality and standard of accommodation for its future occupiers and as such it is not considered that the scheme would be divisive.*

- *It is considered that the application is making appropriate and policy compliant contributions to the provision of local services as part of the planning obligations recommended. These issues are discussed in greater detail in the report below, in particular section 3.16.*
- *It is noted that other applications for smaller developments have been refused in the surrounding area. However, each application must be considered on the basis of its own planning merits. This is therefore not considered to be a reason to reject this application.*

Consultation Responses from Statutory Consultees and Other Bodies

Environment Agency:

Have responded to the consultation and have not raised any objections to the proposal. They have requested that a condition be imposed requiring the development to be carried out in accordance with the mitigation measures identified in the flood risk assessment submitted. This condition has been included in those recommended.

Metropolitan Police Service:

Have responded to the consultation and have not raised any concerns about the proposal or requested that conditions are placed upon any grant of consent.

London Fire and Emergency Planning Authority:

Have responded to the consultation and have not raised any concerns about the proposal or requested that conditions are placed upon any grant of consent.

Natural England:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Thames Water:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. Thames Water has made a number of points in respect of waste water matters and these have been included as informatives.

Transport for London (TfL):

Have responded to the consultation and have made a number of comments on the application. These can be summarised as follows:

- Request that the developer identify measures to block off the access from the site onto the A406 to prevent it being abused by drivers.
- Note that the TRICS database was consulted for trip rate forecast, but ask the forecasts to be reviewed using sites within the TRAVL database to ensure a robust assessment.
- Content with the proposed parking provision of one space per unit for the apartments. Request clarification on how the parking for the houses would be allocated.
- Disabled parking would need to be provided in accordance with the borough's UDP/LDF standards. Electric Vehicle Charging Points would need to be provided in accordance with the London Plan 2011 standards.

- A Parking Management Plan should be implemented to control unauthorised parking within the site.
- The developer should confirm the total number of cycle parking spaces to be provided.
- A Construction Management Plan and Construction Logistics Plan should be submitted for TfL and the Local Authority's approval prior to construction work commencing on site.
- The submission of a Framework Travel Plan is welcomed. The final Travel Plan should be submitted for Local Authority's approval prior to occupation. The Travel Plan should be secured by a Section 106 Obligation and have obtained a 'Passed' score using 'ATTRBUTE'.
- Subject to the above comments, TfL does not consider that the proposed development would have an unacceptable traffic impact on the Transport for London Road Network. Responses to the above points are provided in section 3 of the report, in particular section 3.9.

Highways Agency:

Have responded to the consultation and confirmed that they have no objections to the proposal.

English Heritage (Archaeology):

Have responded to the consultation and confirmed that they do not consider that the proposals would have an affect on any historic assets of archaeological interest.

NHS North Central London:

Have responded to the consultation and confirmed that they have no comment to make on the application:

Internal Consultation responses

Traffic and Development Team:

The Traffic and Development Team response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions and planning obligations they have no objections to the development and find the proposal to be acceptable in respect of traffic, parking and highways related matters.

Environmental Health Service:

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions in respect of air quality, contaminated land and noise they raise no objection to the development.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The application site is broadly rectangular in shape and covers an area of land approximately 1.1 hectares in size situated to the south-west of Amberden Avenue and north-west of the North Circular in the Finchley Church End Ward. The land across the site slopes significantly and there is an approximately a 10 metre level change between the highest point at the northern boundary (adjacent to the rear gardens of Kingsgate Avenue) and the southern boundary.

The site presently contains four linked three storey buildings constructed in the early 1960's providing 3579m² of residential accommodation used as a Police Section House (*sui generis* Use Class). The accommodation provided includes 120 single bedroom apartments and communal washing, refectory, gymnasium and lounge facilities. The property is accessed from two points in Amberden Avenue and areas of hard surfacing across the site provide a total of approximately 70 car parking spaces. The site has a Public Transport Accessibility Level (PTAL) of 1.

The Metropolitan Police Service has confirmed that the use of the site as a Section House ceased in August 2011 and that while the site was in use in this way the apartments in the buildings were used exclusively by members of the Metropolitan Police Authority. They have also confirmed that the communal facilities (including a gym) on the site were never made available to members of the general public while the site was in use as a Section House. The applicant has confirmed that since August 2011 the site has been kept in nominal occupation with one person staying in the property each night.

The area surrounding the site is considered to be suburban in character and generally comprises residential properties ranging between two and three storeys in height. To the north-east the site adjoins the rear gardens of predominantly two storey houses in Kingsgate Avenue. To the south-west the site adjoins the car park of the three storey flatted development Abbey Court. The area to the north-east of the site (across Amberden Avenue) includes a mixture of two and three storey residential properties.

The application site contains a number of trees and sections of hedge. There are also areas of grassland and shrubs. Of the trees on the site 73 are protected by a Tree Preservation Order (Reference Number 411 (2012)). This was served in February this year and subsequently confirmed. The site also contains significant areas of hard surface. These are located mainly to the north-east and north-west of the existing linked buildings.

2.2 Description of the Proposed Development

Detailed planning permission is sought by the applicant (Berkeley Homes (Three Valleys) Limited) for the demolition of the existing section house buildings (*Sui Generis* Use Class) on the site and its redevelopment to provide 40 self contained flats and 24 houses (all Use Class C3). Viewed in plan the new dwellings would be situated around a road with an inverted 'T' shaped layout, with an area of communal amenity space provided at the apex of the inverted 'T' (to the north-west). This park would cover an area of approximately 450m² and include areas of lawn, trees and hedges, seating and play features (such as boulders and stepping logs).

Consent is also sought for the formation of a new vehicular and pedestrian access from Amberden Avenue and the provision of 84 surface car parking spaces. 9 of the car parking spaces created would be provided to a disabled parking space standard. The two existing accesses to Amberden Avenue would be removed as part of the proposal. The existing access from Amberden Avenue onto the A406 (to the east of the site) does not form part of the proposals or the application site and would remain in its present gated form. As such vehicular access to the site would be available only from Amberden Avenue.

The 24 houses proposed would be located on the northern part of the site in the form of semi-detached or terraced properties providing accommodation across three floors. This would be provided either as two floors of accommodation with a third level above in a pitched roof (with dormer windows) or over three floors of accommodation (with a pitched roof above that does not provide habitable rooms). Each of the houses would have its own private rear garden.

The 40 flats proposed would be provided across five floors of accommodation in a single building located on the southern part of the site (adjacent the A406). The top (fifth) floor of accommodation would be situated within the pitched roof of the building. Each flat would have its own area of private amenity space in the form of either a terrace or balcony. Areas are identified within the ground floor of this block for the storage of cycles and refuse and recycling facilities. In total facilities for storing 93 cycles would be provided on the site.

The architecture of the proposed buildings is inspired by the traditional architecture of Hampstead Garden Suburb. It includes features such as predominantly brick elevations (often including quoins and window or door surrounds); substantial pitched roofs with clay tiles and brick chimneys; timber framed doors and sash windows and black painted cast iron rainwater goods. The areas surrounding the proposed buildings would contain a mixture of hard and soft landscaping. The soft landscaping would include both new and retained features (see below).

The mix of dwelling types proposed in the building across the site is as follows:

- 11 x four bedroom seven person houses (approximately 17% of the dwellings)
- 13 x four bedroom eight person houses (approximately 20% of the dwellings)
- 16 x one bedroom two person flats (approximately 25% of the dwellings)
- 19 x two bedroom four person flats (approximately 30% of the dwellings)
- 5 x three bedroom six person flats (approximately 8% of the dwellings)

The five 3 bed dwellings proposed would all be provided as duplex flats (split across two levels), with the second level of accommodation going into the roof of the flatted block and including a terrace partially enclosed by the roof. Five of the 2 bed units would also be provided in this way.

All of the units proposed would meet or exceed the minimum floor space standards for the relevant type of dwelling (specified in Table 3.3 of the London Plan), achieve the relevant Lifetime Homes Standards and meet Code for Sustainable Homes 'Level 4'. 7 of the units would achieve wheelchair accessible standards or be easily adaptable to meet wheelchair accessible standards.

The scheme would provide a total of 14 affordable housing units on site. This equates to 21.8% of the total dwellings proposed. The affordable housing units would be provided as the following mix of dwellings types:

8 Affordable Rented units in total comprising:-

- 2 x one bedroom two person flats
- 5 x two bedroom four person flats
- 1 x three bedroom six person flats

6 Intermediate (Shared Ownership) units in total comprising:-

- 2 x one bedroom two person flats
- 4 x two bedroom four person flats

The development would involve the removal of a total of 64 trees from the site. The landscaping scheme proposed includes the planting of 74 trees and new sections of hedging. 73 of the existing trees on the site are covered by Tree Preservation Orders. Of these 29 would be retained (of which 27 would be are Limes) and 44 are proposed for removal (of which 35 are Limes). It is noted that of the 44 trees that are covered by a preservation order and which are proposed for removal 10 could, theoretically, be retained. However, these 10 trees are proposed for removal due to their poor condition. 20 trees not covered by preservation orders are proposed for removal as part of the scheme. 3 sections of hedge are also proposed for removal. None of the sections of hedge proposed for removal are identified as 'important hedgerow' under the Hedgerow Regulations 1997'.

In addition to the application drawings the submission made includes the following documents:

- Design and Access Statement by Broadway Malyan;
- Planning Statement by Broadway Malyan;
- Transport Statement by Glanville Consultants;
- Interim Residential Travel Plan by Glanville Consultants;
- Noise Assessment by AECOM;
- Local Air Quality Assessment by Rambol;
- Letter (on air quality matters) by John Draper Associates;
- Daylight and Sunlight Report by Schroeders and Begg;
- Sustainability Statement by Berkeley Homes;
- Code for Sustainable Homes Pre-Assessment and accompanying letter by Trinity Architecture;
- Statement of Community Involvement by Broadway Malyan;
- Ecological Assessment by Ecoconsult;
- Flood Risk Assessment by Glanville Consultants;
- Utilities Assessment by Berkeley Homes; and
- Arboricultural Report and Tree Condition Survey by Ruskins Group

Pre-application advice was sought from the Council on the redevelopment of the application site.

3. PLANNING CONSIDERATIONS

3.1 Principle of the residential use proposed

Policy H2 of the Barnet UDP states that proposals for residential development on sites not allocated for housing under Policy H1 (such as the application site) will be assessed in terms of:

- Whether the site is appropriate, having regard to a sequential test;

- the impact of the proposal on its surroundings (including the environmental impact of developing back gardens);
- the availability of access by a choice of means of transport;
- access to educational and community facilities; and
- whether land is required for another use, as identified in this Plan and associated planning briefs.

The site has not been identified for any other uses, is previously developed and the area surrounding it is predominantly residential in character. These factors are deemed to strongly support the principle of a residential use for the site. Furthermore, while the existing use does not fall within the residential use class (C3) it is heavily residential in nature. Although the site has a PTAL score of 1, it is within walking distance of a number of bus stops and the site is deemed to be acceptable in terms of the availability of access by a choice of means of transport and its links to facilities for a development of the nature proposed. The proposal is not considered to have an unacceptable impact on its surroundings and this issue is discussed in greater detail in subsequent sections of this report.

The policies of Local Plan do not include a direct replacement for policy H2 of the Barnet UDP. However, for areas such as this site, which comprise high quality suburbs not identified as a location to which growth will be focused, policies CS1 and CS3 of the Core Strategy expect developments to protect and enhance the character and quality of the area and optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure. As is set out in other sections of this report in greater detail the proposal is considered to be compliant with the objectives of these policies.

In light of these considerations the principle of re-developing the site for to provide residential dwellings is deemed to be acceptable, subject to compliance with other planning policies. It is also noted that the principle of redeveloping this site to provide a mixture of houses and flats was not a matter about which the Planning and Environment Committee expressed concerns when it deferred a previous application of this nature (application reference F/00245/12).

3.2 Dwelling mix

Development plan policies require proposals to provide an appropriate range of housing sizes and types, tacking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Dwellings with 3 bedrooms and 3 or 4 bedrooms are the highest priority sizes of housing for 'social rented' and 'intermediate' affordable housing respectively.

The mix of dwelling types proposed in the building across the site is as follows:

- 11 x four bedroom seven person houses (approximately 17% of the dwellings)
- 13 x four bedroom eight person houses (approximately 20% of the dwellings)
- 16 x one bedroom two person flats (approximately 25% of the

- dwellings)
- 19 x two bedroom four person flats (approximately 30% of the dwellings)
 - 5 x three bedroom six person flats (approximately 8% of the dwellings)

Of these dwellings 14 would be provided as affordable housing units on site. The affordable housing units would be provided as the following mix of dwellings types:

8 Affordable Rented units in total comprising:-

- 2 x one bedroom two person flats
- 5 x two bedroom four person flats
- 1 x three bedroom six person flats

6 Intermediate (Shared Ownership) units in total comprising:-

- 2 x one bedroom two person flats
- 4 x two bedroom four person flats

The dwelling mix proposed is considered to include an appropriate range of dwelling sizes and types that would make a useful contribution to meeting the needs of the growing and diverse population of the borough. It is noted that only one of the affordable housing units (affordable rent) proposed has three bedrooms. However, the Housing Development Partnership Team has confirmed that there is likely to be a significant demand for the type of affordable units proposed and an independent review of the viability of the scheme (discussed in greater detail below) has confirmed that this is the maximum contribution that it is viable for the development to make to the provision of affordable housing in the borough.

In light of these factors it is considered that, in this instance, the dwelling mix proposed is acceptable and compliant with planning policy in this instance.

3.3 Density of development

London Plan policy 3.4 seeks to optimise the housing potential of sites and references the density matrix contained in Table 3.2 set out below. This provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
Central	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

The application site is in a location with a PTAL of 1 and a suburban setting, as defined in the London Plan. Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 35 and 75 units per hectare or 150 to 200 habitable rooms per hectare (see table above). Using the approach taken in the London Plan the 64 dwellings proposed include 236 habitable rooms. As the site has an area of 1.1 hectares this equates to a density of 58 units per hectare or 215 habitable rooms per hectare. The proposal therefore exceeds the density range specified in the London Plan in terms of the number of habitable rooms proposed, but falls within the appropriate density range in respect of the number of units proposed.

In evaluating the significance of this it needs to be recognised that the supporting text in the London Plan states that:

“A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically.”

As the other sections in this report outline the proposal is considered to be fully compliant with policies on good design, local context and character, providing acceptable amenities for future occupiers of the new development and protecting the amenities of neighbouring occupiers. Taken in isolation from other matters density is considered to be a blunt tool for evaluating the acceptability of a scheme. In circumstances such as this, where a proposal would comply with the relevant development plan policies and not result in any demonstrable harm, it is not considered that it would be appropriate to refuse an application on the grounds of conflict with planning policy on optimum habitable room density alone, particularly when the density of units proposed falls within the appropriate range. It is considered that under the present policy approach of ‘optimising housing potential’ it remains reasonable to find a proposal (and a density) acceptable where it exceeds the relevant density range, but is found to be acceptable in all design, amenity and other relevant regards.

Taking account of the factors outlined above officers consider that the density of development proposed is acceptable in this instance.

3.4 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

Policy GBEnv2 of the Barnet Unitary Development Plan (UDP) requires high quality design in all new development to improve the quality of the built environment, amenity and the quality of environment of future residents, in order to help meet the objective of sustainable development. Policy D1 of the UDP states that new developments should be of high quality design and in keeping with the objectives of sustainable development. Policy D5 identifies that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and users. Policy ENV12 of the UDP states that proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. The Council will also seek to ensure that uses which are sensitive to air pollution (such as residential uses) are located away from sources of air pollution.

Policy H16 of the Barnet UDP identifies that residential developments should be well laid out in terms of access, provide adequate daylight, outlook and residential amenity, ensure a safe and secure environment, prevent overlooking, and provide adequate levels of private amenity space. Barnet's UDP advocates a minimum distance of 21m between properties with facing windows to habitable rooms, in order to address overlooking. This distance should increase by 3m for each additional storey over two storeys. Where less distance is provided innovative design solutions should be included to avoid overlooking. Policy H18 of the Barnet UDP requires that for flats the minimum provision of amenity space should be 5m² per habitable room. Houses with 6 habitable rooms (which is what all those proposed comprise) require 70m² of amenity space as a minimum.

The council's supplementary planning guidance, Sustainable Design and Construction, provides more detailed amenity space standards for new residential development. This includes minimum sizes for private external amenity space (balconies or terraces). This equates to 3m² for 1 person or 2 person dwellings with an extra 1m² needed for each additional bed space proposed.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum

internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. All of the units proposed would have a gross internal floor area which meets or exceeded the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

Table 3.3 Minimum Space standards for new development (from the London Plan)

	Dwelling type (bedroom/persons-bed spaces)	Gross internal Area (m ²)
Flats	1 bedroom 2 person	50
	2 bedroom 4 person	70
	3 bedroom 6 person	95
3 Storey Houses	4 bedroom 7 person	123
	4 bedroom 8 person	133

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. An example of a way in which this is achieved is the careful siting and orientation of windows in the proposed buildings. It should also be noted that the dwellings proposed are all dual aspect. It is considered that each of the dwellings proposed has an acceptable outlook.

External amenity space provision

All of the houses proposed would have their own private rear garden. In each case this would be of sufficient size (70m² or greater) to meet or exceed the requirements of Barnet UDP policies on the provision of amenity space for houses.

All of the flats proposed would have access to their own private amenity space in the form of a balcony or terrace. In each case this would be of sufficient size to meet or exceed the requirements of the Council's guidance on the provision of private amenity areas (3m² for 2 person dwellings with an extra 1m² for each additional bed space) for the different sizes of flat proposed.

Using the standard of providing 5m² of usable amenity space per habitable room (including kitchens over 13m² and with rooms over 20m² counting as two rooms) for flats, the development would be required to provide approximately an extra 350² of private or communal amenity space in addition to the balcony or terrace space proposed to comply with Barnet UDP policy. The scheme seeks to meet this requirement through the creation of a communal amenity area in the form of a new (privately maintained and managed) park located on the north-western part of the site. This space would be accessible to all properties, covers an area of approximately 450m² and include areas of lawn, trees and hedges, seating and play features, such as

boulders and stepping logs (the precise details of which are to be agreed under the conditions recommended). The design and size of this area are considered to be such that the proposal would provide sufficient amenity space to exceed the policy requirements for the flats proposed. The proposal is therefore considered to be acceptable in this regard.

London Plan policy 3.6 states that proposals for housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. Using the approach to play space provision requirements in Mayoral guidance the scheme would be expected to provide approximately 367m² of play space. As it is approximately 450m² in size and is of an appropriate design, which includes play features, the proposed park is considered sufficient for the scheme to comply with the requirements of this policy.

Privacy and overlooking

The distance between directly facing windows to habitable rooms in the new dwellings would not be less than 23m. The only exceptions to this are secondary windows to habitable rooms and conditions have been recommended to ensure that these are installed with obscured glass and are fixed shut (or have only a fanlight opening). The distance from a habitable room window to a directly facing private garden area within the development would not be less than 11m. Subject to the conditions recommended it is considered that the design and layout of the windows, doors and amenity areas in the proposal are such that the new residential units would all be provided with an acceptable level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

Daylight and sunlight

The submission documents include an assessment of the daylight and sunlight that would be received in the habitable rooms of the dwellings proposed. This was carried out by Schroeders Begg Ltd. Using the methodology found in the latest guidance (published in 2011) from the Building Research Establishment (BRE) on how to assess the daylight received in new dwellings the evaluation found that all of the habitable rooms proposed would meet the relevant standards. Similarly the report finds that the development would meet the BRE recommendations in respect of sunlight. The proposal is therefore found to be acceptable in these regards.

Noise and air quality

The design and layout of the buildings and spaces on the site has been heavily influenced by the need to create an acceptable noise and air quality environment for future occupiers of the proposed dwellings. Examples of this include the positioning of the block containing the flats so that it shields the remainder of the site and makes it suitable for houses with private rear gardens and the positioning of the new park on the quietest part of the site. In addition to this conditions have been recommended which require the development to be constructed and managed in ways that provide future occupiers of the proposed dwellings with an acceptable noise and air quality environment, as far as is practicable, taking account of the environment and uses surrounding the application site. Examples of measures include the installation of appropriate ventilation equipment and inclusion of adequate sound proofing. The Council's Environmental Health Service has not raised

any objection to the scheme, subject to the imposition of the conditions recommended. When account is taken of the mitigation that the conditions recommended would allow, the proposal is found to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the dwellings proposed.

Conclusions on the amenities of future occupiers

The scheme is found to be compliant with development plan and Local Plan policy as it relates to the amenities of the future occupiers of the dwellings proposed and the design approach is considered, for the reasons outlined above, to provide future occupiers with acceptable amenities. The development is therefore found to be satisfactory in this regard and to have overcome the concerns the Planning and Environment Committee had with the previous proposal for the site.

3.5 Design and character matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

UDP Policy GBEnv1 states that the Council will protect and enhance the character and quality of the Borough's built environment. Policy D1 requires new development to be of high quality design and in keeping with the Council's objectives of sustainable development and ensuring community safety while Policy D2 states that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area. A full list of the relevant Barnet UDP policies is set out in Appendix 1.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping (the key policies are set out in Appendix 1). Policy 7.4 of the London Plan states that Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;

allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The buildings and spaces proposed respond positively to their context and are found to have an acceptable relationship with the neighbouring buildings, streets and spaces, including the properties in Kingsgate Avenue, Amberden Avenue and Clandon Gardens. This is achieved in a number of ways.

In broad terms the layout proposed results in the parts of the site adjacent to existing houses being developed with houses containing three floors of accommodation and the flats proposed being situated in a building containing five floors of accommodation located to on the southern part of the site, adjacent to the A406 and the flats in Abbey Court. The buildings within the site include adequate spaces between both themselves and existing surrounding properties, a new area of communal amenity space, private rear gardens for all of the houses and the retention of a number of substantial existing trees (see other sections of this report of further detail). This is found to be an acceptable approach to the design, layout, height and scale of development proposed for the site.

In addition to these broader points, the more detailed design of the buildings proposed takes an approach inspired by the traditional architecture of Hampstead Garden Suburb. This includes features such as predominantly brick elevations (often including quoins and window or door surrounds); substantial pitched roofs with clay tiles and brick chimneys; timber framed doors and sash windows and black painted cast iron rainwater goods. Such features are considered to be a positive aspect of the scheme and conditions have been recommended to ensure that the high quality of detailed design shown at this stage is carried on into the implementation of the scheme.

Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to design and character matters. Landscaping matters are addressed in section 3.9 of this report.

Although it did not make a formal determination of the application (which was subsequently withdrawn), in 2009 the Planning and Environment Committee considered and expressed concerns with the size, scale, height and design of a previous proposal at the site (application reference F/00245/09). However, the development proposed under the current application is significantly different from that for which consent was previously sought. Differences include a reduction in the maximum height of built form from 7 floors of accommodation to 5 (with much of the site now having only 3 floors of accommodation), a changed layout, a substantial reduction in the overall number of units proposed, from 145 dwellings to 64, and an increased number of houses proposed (24 houses instead of 22 houses).

The result of these differences is that the design of the development proposed has improved substantially and scheme now under consideration has a reduced size, scale, height and density of development when compared to the proposal previously considered. Officers conclude that the current proposal has overcome the concerns the committee had in respect of the application it was previously asked to consider at this site.

3.6 Impacts on amenities of neighbouring and surrounding occupiers and users:

Policies GBEnv1 and GBEnv2 of the Barnet UDP seek broadly to protect and enhance the quality of the Borough's built, open and natural environments and to improve amenity. Policy D5 identifies that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy ENV12 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Policy H16 identifies that residential developments should preserve adequate daylight, outlook and residential amenity, maintain privacy and prevent overlooking. Local Plan policies have very similar requirements in respect of the provision of the amenities of neighbouring and surrounding occupiers.

Where new residential developments are proposed Barnet's UDP advocates a minimum distances of 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking. This distance should increase by 3m for each additional storey over two storeys. Where overlooking is a problem, especially in relation to neighbouring development, a higher degree of privacy will be required.

It is noted that objections have been received from a number of parties expressing concerns that the proposed development would be detrimental to the amenities of neighbouring and surrounding occupiers and users in a variety of ways. These include loss of light, visual impact, increased noise and disturbance, overlooking and loss of privacy.

Overlooking and Loss of privacy

The development proposed does not include windows to habitable rooms which directly face existing habitable windows in neighbouring residential buildings that are set apart a distance of less than 24m. Distances from directly facing habitable windows in the development proposed to a neighbouring properties garden are not less than 13.5m.

The only exception to this are the secondary windows proposed in the flank (south-west) elevation of the proposed block of flats. However, conditions have been recommended which would ensure that these windows are installed with obscured glazing and remain fixed shut (with only a fanlight opening) and are retained as such. The proposal would therefore comply with the specific privacy distances set out in the policies of the Barnet UDP. In the absence of this requirement these windows could potentially cause overlooking and loss of privacy at the neighbouring building (Abbey Court) and the space in which it is set, as the new flats would be set approximately 14m from this building and 4m from the land in which surrounds it. However, this issue is considered to be fully addressed by the conditions recommended.

To ensure new windows are not introduced under permitted development which would result in the proposal then causing unacceptable overlooking of neighbouring properties and their gardens a conditions has been recommended which removes permitted development rights to carry out such works.

Subject to the controls in place under the conditions recommended it is concluded that the design and layout of the proposal is such that the development would not result in unacceptable levels of overlooking and loss of privacy at the neighbouring properties and would comply with development plan policy in these regards.

Daylight, Sunlight and Overshadowing

The application is accompanied by an assessment (prepared by Schroeders Begg Ltd.) of the proposals impact on the neighbouring residential properties by reference to the methodologies found in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*'. This report concludes that the criteria relating to daylight, sunlight and overshadowing would be met and that there would be no significant adverse affects in terms of daylight, sunlight or overshadowing at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on daylight sunlight and overshadowing at neighbouring properties.

Outlook and Visual Impact

The documents submitted with the application include plans showing the impact of the proposed development from key locations within the area surrounding the site and also show the relationship of the proposed buildings with neighbouring properties and spaces. It is considered that the design and siting of the proposed buildings is such that they would not have an unacceptable visual impact or result in any significant loss of outlook at neighbouring properties including dwellings in Kingsgate Avenue, Amberden Avenue and Clandon Gardens (Abbey Court). The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

The proposed buildings situated closest to the curtilages of existing neighbouring dwellings would be a proposed semi-detached house (plot 16) located to the south-east of the gardens of 24 and 26 Kingsgate Avenue (with the distance from the flank wall of the new building to the neighbouring garden being approximately 1.5m) and the a proposed terraced house (plot 24) situated to the east of an area of car parking for Abbey Court (with the distance from the flank wall to the site boundary being approximately 1m). The siting of the proposed semi-detached house (plot 16), the length of the gardens of 24 and 26 Kingsgate Avenue and the change in levels between the application site (lower) and the gardens of the existing dwellings (higher) is considered to be sufficient to ensure that the development would not result in any unacceptable visual impacts or significant loss of outlook at the properties in Kingsgate Avenue, including their gardens. The siting of the proposed buildings and the layout of the neighbouring site is considered to be such that the proposal would not have an unacceptable visual impact or cause a significant loss of outlook at Abbey Court, including its curtilage.

Noise

The residential dwellings proposed in the development are of a nature that they would be expected not to generate unacceptably high levels of noise and disturbance to the extent that they would harm the amenities of the occupiers

of neighbouring properties (which include residential uses) in the normal course of their occupation. Conditions have also been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance. These including the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Conclusions

The proposed development is considered to be acceptable and compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding occupiers and users.

3.7 Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy and other scheme requirements.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable.

The proposal would provide a total of 14 affordable housing units on site with the following mix of dwellings types:

8 Affordable Rented units in total comprising:-

2 x one bedroom two person flats

5 x two bedroom four person flats

1 x three bedroom six person flats

6 Intermediate (Shared Ownership) units in total comprising:-

2 x one bedroom two person flats

4 x two bedroom four person flats

This provision equates to 21.8% of the total dwellings proposed and 16.5% of the total habitable rooms proposed.

To explain and justify this level of contribution Berkeley Homes have submitted a confidential report which evaluates the economic viability of the

proposed development making a contribution to affordable housing provision. The Council then commissioned BNP Paribas to independently review the viability report provided and examine its findings.

Taking account of the costs associated with bringing the development forward, including the associated planning obligations, and the value that the applicant would be likely to generate from the scheme, BNP Paribas conclude that proposed contribution represents the maximum reasonable amount of affordable housing that it is viable for the development to provide. Therefore in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies. As set out in section 3.2 of this report the mix of affordable dwellings proposed is considered to be acceptable.

3.8 Trees and Landscaping:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

The development proposed would result in the removal of a total of 64 trees from the site. 44 of these are covered by a Tree Preservation Order (of which 35 would be Lime trees). The scheme includes the planting of 74 new trees to mitigate the trees which would be lost through the works (including the trees with a preservation order protecting them) and also as part of providing suitable landscaping for the development more widely. The remaining 29 trees on the site which are covered by the preservation order would be retained (of these 27 are Limes).

It is accepted that the removal of 64 trees, including the 44 covered by a preservation order, is unfortunate. However, on balance, officers consider that the new trees proposed as part of the landscaping works provide adequate mitigation for the trees which would be lost in this instance. Conditions have been recommended to ensure that the trees and wider landscaping implemented would be of a sufficient quality, including new trees of a suitable size and species. Officers take the view that appropriate consideration has been given to trees and the desire to retain many of the best quality trees. It is also noted that 10 of the trees proposed for removal which are covered by a preservation order could theoretically be retained. However, they have been proposed for removal and replacement with new trees due to their poor condition. A further 6 of the trees proposed for removal (not protected by a

preservation order) could also be retained in theory, but are proposed for removal due to their poor state. Conditions have been recommended to ensure that all appropriate measures are taken to protect the trees proposed for retention.

The proposed works would involve the removal of 3 sections of existing hedgerow on the site. None of these are identified as 'important hedgerow' under the Hedgerow Regulations 1997 and it is considered that the new planting proposed under the landscaping works, which includes extensive use of hedges, would (as controlled by the conditions recommended) provide adequate mitigation for the hedgerow that would be lost.

More generally the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting) and provides an appropriate setting for the buildings proposed. Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate quality and makes a positive contribution to the area.

Matters relating to access, parking biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.

It is concluded that the scheme provides adequate mitigation for the trees and other landscaping features which would be lost as part of the works proposed and that the proposal is acceptable and compliant with policy in respect of tree, hedge and landscaping matters.

3.9 Transport, parking and highways matters:

Policy M14 in the Movement chapter of the Barnet UDP sets out the parking standards that the Council will apply when assessing new developments. Other policies in this chapter seek to ensure the safety of road users, reduce accidents, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, encourage non-car modes of transport, require acceptable facilities for pedestrians and cyclists and reduce the need to travel. Local Plan policies make very similar requirements and also set out parking standards for new residential developments.

Parking provision

The car parking standards for residential development, as set out in the Barnet UDP, recommend a range of parking provision for new residential dwellings based on the on a sites Public Transport Accessibility Level (PTAL). These standards are carried over into the Local Plan. For the different types of unit the range of provision is as follows:

Four or more bedroom units - 2.0 to 1.5 parking spaces per unit

Two and three bedroom units - 1.5 to 1.0 parking spaces per unit

One bedroom units - 1.0 to less than 1 parking space per unit

For higher PTAL scores the parking requirement would be expected to be at the lower end of the range and for a lower PTAL scores parking provision at the higher end of the range would be required. The PTAL Score for the site is 1b.

Using the standards set out in the Barnet UDP the development proposed generates a car parking provision of between 60 to 100 car parking spaces (depending on the PTAL Score for the site). The proposed parking provision of 84 spaces is therefore within the range that planning policies would expect to be provided. As would be expected of a development with a PTAL score of 1b, the number of parking spaces proposed falls towards the higher end of the appropriate range. Conditions have been recommended to ensure that the parking spaces proposed are provided prior to the occupation of the development and also that these are allocated and managed in an appropriate way. A condition and planning obligation requiring the provision of a Travel Management Plan have been recommended. These will assist in encouraging travel by non-car modes of transport. Subject to the controls in place under the conditions recommended the provision of 84 car parking spaces for the development is considered to be acceptable and compliant with the objectives of development plan policy.

Policies require that developments provide 10% of the proposed car parking spaces to a disabled parking space standard. The application intends to provide in excess of this and 9 of the 84 spaces are proposed to be provided to a disabled parking space standard. The number of disabled parking spaces proposed is considered to be acceptable.

The applicant has confirmed that not less than 1 in 5 of the proposed car parking spaces will be provided with electric vehicle charging power points and a condition has been recommended to ensure that this aspect of the scheme is delivered. Subject to this condition the scheme is found to comply with planning policy in this regard. The applicant has also confirmed that facilities for the parking of 93 bicycles will be provided. This level of provision is considered to be acceptable and policy compliant and a condition has been recommended to ensure it is carried through into the implementation of the scheme.

It is noted that a number of objections have been received that the development has inadequate parking and would result in an unacceptable impact on the road network surrounding the site. However, for the reasons outlined, it is considered that the proposed development, as could be controlled through the conditions and planning obligations recommended, is acceptable in respect of transport, parking and highways matters.

Trip generation

As part of the assessment for the previous application at this site (in 2009) a survey of the trips taking place at that time was undertaken. This indicated a low vehicular trip generation due to the substantial decline in the use of the site by the Police. Therefore to allow for a more realistic comparison of the site as it would be when in its full lawful use the Transport Statement submitted carries out a trip assessment using the national database TRICS.

The following table shows the total AM and PM peak vehicular trips for the existing development using this method.

Total existing vehicular trips:

	Arrivals	Departures	2-way
Weekday AM (8.00 to 9.00)	20	19	39
Weekday PM (17.00 to 18.00)	4	7	11
Weekday Daily (00.00 to 00.00)	143	130	273

The consultants have also used the TRICS database (which is an accepted tool) to establish predicted peak hour vehicular trip rates for the proposed development. The tables below show the predicted vehicular peak hour trip rates for the element of the scheme which is houses, the proportion of the scheme that is flats (assuming private ownership) and the two elements combined.

Vehicular trip generation for 40 flats:

	Arrivals	Departures	2-way
Weekday AM (8.00 to 9.00)	2	5	7
Weekday PM (17.00 to 18.00)	3	2	5
Weekday Daily (00.00 to 00.00)	31	35	66

Vehicular trip generation for 24 houses:

	Arrivals	Departures	2-way
Weekday AM (8.00 to 9.00)	3	9	12
Weekday PM (17.00 to 18.00)	7	4	11
Weekday Daily (00.00 to 00.00)	52	57	109

Total development vehicular trip generation:

	Arrivals	Departures	2-way
Weekday AM (8.00 to 9.00)	5	14	19
Weekday PM (17.00 to 18.00)	10	6	16
Weekday Daily (00.00 to 00.00)	83	92	175

The following table shows the predicted net change in vehicular trips arising from the proposed development compared to the existing use (when in full occupation).

Net change in vehicular trip generation (based on TRICS database):

	Arrivals	Departures	2-way
Weekday AM (8.00 to 9.00)	-15	-5	-20
Weekday PM (17.00 to 18.00)	+6	-1	+5
Weekday Daily (00.00 to 00.00)	-60	-38	-98

The above analysis indicates that the proposed development is likely to result in less vehicular movements than the existing use (when fully occupied) both in terms of total movements and also in the AM peak movements. While there

would be a slight increase in vehicle movements in the PM two way weekday peak (+5) it is not considered that this would result in any significant detrimental impact.

Transport for London has queried whether using the TRAVL data base would affect the outcome of this assessment. Using the TRAVL database (which does not allow any distinction between the flats and houses proposed) the total number of vehicle trips generated would increase by 3 in the AM peak and 2 in the PM peak. However, this is not considered to alter the conclusion that the development would not result in any significant detrimental impact on the highways network.

It is concluded that the impact of the proposed development is acceptable and the scheme is found to be unlikely to result in any significant detrimental impact on the local highway network. As such the proposal is considered to be compliant with the objectives of policies in this respect.

Access and site layout

There are two existing access points into the site from Amberden Avenue. These accesses are to be closed of under the proposed redevelopment of the site and a single new access from Amberden Avenue created. As proposed this approach is found to be acceptable. The existing redundant accesses will need to be made good (and informatives to this affect have been recommended). The application proposes the widening of the existing footway which fronts on to Amberden Avenue. This aspect of the development is acceptable in principle. However, a detailed scheme will need to be submitted to the Council (Traffic and Development Team) to agree the extent of works and to ensure that the final proposal accords with the council's design standards. These works would be carried out either under rechargeable works Agreement or under Section 278 Agreement of the Highways Act.

It is noted that a number of responses to the consultation have specifically requested that vehicular access to the site be provided from the A406, rather than other parts of the local road network. Conversely, Transport for London has specifically requested that the applicant identify measures to block off the existing access from the site directly onto the A406. The existing access to the A406 does not form part of the application site and is not part of the land under consideration. The applicant has confirmed that this access will not form part of the permanent vehicular access arrangements to the site and has pointed out that there are existing lockable gates to prevent the use of this access. However, the applicant has pointed out that they intend to use the access road to the A406 for construction vehicles leaving the site (the access is one way) and Transport for London have provided their in principle agreement to such an approach. The use of this route would approximately halve the number of construction vehicle movements on the local road network and is welcomed. The final approach to management of construction traffic would be controlled through a Construction Management and Logistics Plan (see below).

The application seeks the provision of all 84 of the parking spaces proposed at a surface level in communal parts of the site (including fronting onto Amberden Avenue). Conditions are recommended to ensure that the parking layout implemented would be acceptable in all regards. Similarly a condition

has been recommended requiring full details of the refuse and recycling facilities to be provided within the development, to ensure that these are appropriate. The applicant has confirmed that the collection of refuse and recycling from the site will be carried out using a private management company and also that the strategy for dealing with waste will be consistent with Barnet Council's guidelines.

Travel and construction management plans

An initial framework travel plan is included in the documentation submitted with the application. Conditions and obligations are recommended to ensure that an acceptable and policy compliant travel plan is provided for the development and that a travel plan coordinator is appointed. In order to ensure that the objectives of the travel plan are met a monitoring contribution of £5,000 is included in part of the planning obligations recommended.

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended.

Parking, highways and transport conclusions

The Council Traffic and Development Team have assessed the proposal and found it to be adequate. For the reasons outlined above the proposal is considered to have overcome the concerns expressed in respect of the previous proposal considered by the Planning and Environment Committee for this site and the development is found to be acceptable and compliant with the objectives of policy in relation to parking, highways and transport matters subject to the imposition of the conditions and planning obligations recommended.

3.10 Creating inclusive environments for all members of the community:

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application identify a number of ways in which the design of the proposed buildings has been influenced by the desire to make it accessible for all members of the community. The Design and Access Statement provided sets out that all the proposed dwellings would meet the relevant Lifetime Homes standards and also that more than 10% of the dwellings proposed (7 in total) would be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements. As outlined above 9 of the parking spaces proposed would be provided to a disabled parking space standard.

Conditions have been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards, not less than 10% of the dwellings proposed would meet (or be easily adapted to meet) wheelchair accessible standards, the site would be developed at appropriate levels and 9 of the parking spaces proposed are provided to a disabled parking space standard. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such

that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

3.11 Contaminated land and water quality issues:

The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters. The Council's Environmental Health Service has confirmed that any concerns they may have regarding contaminated land issues are adequately addressed through the conditions recommended in this respect. Having evaluated the information submitted, it is considered that the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters, subject to the conditions recommended.

3.12 Safety and security matters:

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The London Fire and Emergency Planning Authority and Metropolitan Police have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. The design and layout of the development proposed is considered to be such that, as controlled through the use of the conditions recommended it would provide a safe and secure environment. The proposal is therefore deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

3.13 Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding. However, as the area land that the site covers exceeds 1 hectare a Flood Risk Assessment has been submitted as part of the application. The Environment Agency has responded to the consultation and has not raised any objection to the proposal. However, they have confirmed that the requirements of planning policies and guidance in respect of flooding and flood risk will only be met if the measures detailed in the Flood Risk Assessment submitted are implemented. As such a condition has been recommended to ensure that the necessary mitigation is achieved.

Thames Water has responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. Thames Water has made a number of points in respect of waste water matters and these have been included as informatives.

Conditions have been recommended to ensure that water use by the development is minimised. Subject to these conditions the development is found to be acceptable in this respect. Both businesses potentially supplying water to the development (Veolia and Thames Water) have been consulted on the application and neither has raised any objections to the development in relation to water supply matters or on any other grounds.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions recommended.

3.14 Energy, climate change, biodiversity and sustainable construction matters:

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- a. Be lean: use less energy
- b. Be clean: supply energy efficiently
- c. Be green: use renewable energy

Residential developments are currently required to achieve a 25% reduction in carbon dioxide emissions when compared to the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes. The council's adopted Sustainable Design and Construction SPD provides that where applicants commit to a Code Level 4 or above against the Code for Sustainable Homes there will be no further specific requirements for the provision of a set minimum level of on-site renewable energy generation for residential developments.

Carbon dioxide emissions

The application is accompanied by a Sustainability Strategy and a Code for Sustainable Homes Pre-Assessment. These documents set out the applicant's commitment to achieving level 4 under the Code for Sustainable Homes and demonstrate how this could be achieved. As part of reaching this level under the Code for Sustainable Homes the dwellings proposed will need to achieve an improvement of 25% over the Target Emission Rate under the 2010 Building Regulations. Such an improvement is adequate for the scheme to comply with the requirements of policy on the reduction of carbon dioxide emission. A condition has been recommended to ensure that the development achieves this level of carbon dioxide reductions as a minimum. Subject to this condition the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions.

The submission demonstrates that appropriate consideration has been given to the use of Combined Heat and Power systems and on site renewable energy generation, for the sustainability benefits that such systems can offer. It is accepted that the use of such technology is not particularly well suited to this scheme and also that policy compliant reductions in carbon dioxide emissions can be achieved without its use. As such the scheme is found to be acceptable in this regard.

Other aspects of sustainable design and construction

A Sustainability Statement, prepared by the applicant, has been submitted with the application. This identifies a number of sustainable design features that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate recycling facilities, the inclusion of energy efficiency measures and the installation of facilities for cyclists.

The submission also includes a preliminary Code for Sustainable Homes assessment for the scheme. This makes it clear that the proposal could meet Code for Sustainable Homes Level 4. It is considered that the details provided in the submission are acceptable in this regard and that the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters. To ensure that the commitment to reaching Code Level 4 and certain other key elements of developing sustainably are carried through to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures to be incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground level, including a new area of communal amenity space and private rear gardens for each of the houses proposed. Conditions have been recommended to ensure that the site is appropriately landscaped at the implementation stage of the development (landscaping is addressed in greater detail in section 3.8 of this report).

Biodiversity matters

Natural England has responded to the consultation on the application and confirmed that it does not have any objection to the proposal. However, it has advised that the council should consider requesting biodiversity enhancements in relation to both Bats and Great Crested Newts.

The applicant has committed to providing on site biodiversity enhancements in respect of bats. These include the installation of bat boxes and appropriate landscaping. Although not requested by Natural England the applicant has also committed to the installation of bird boxes on the site. Conditions have been recommended to ensure that these features of the scheme are taken forward should the development be implemented.

The proposal does not include biodiversity enhancements for Great Crested Newts on the site. It is acknowledged that in this instance the provision of suitable features, such as ponds, would not be a particularly efficient use of land and that they could also raise safety and maintenance issues. To address this point the applicant has agreed to a planning obligation to make a contribution of £5000 towards the provision of off site biodiversity enhancements for Great Crested Newts. Initial discussions with the council Greenspaces Service indicate that Dollis Valley Green Walk is an example of an area where such enhancements could be appropriately and usefully implemented.

Although it was not raised as an issue by Natural England the Ecological Assessment submitted with the application notes that the existing site contains suitable habitats for nesting birds. A condition has therefore been recommended to ensure that suitable measures are taken to prevent unacceptable impacts on nesting birds during the construction phase of the development.

The tree, hedge and wider landscaping conditions recommended (both in respect of the protection of existing features and the requirement for acceptable new planting) are considered sufficient to ensure that this aspect of the scheme makes appropriate contributions to biodiversity and provides suitable levels of habitat.

Subject to the controls in place under the conditions and obligations recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with policy on biodiversity and nature conservation matters.

3.15 Environmental Impact Assessment Regulations:

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application is not considered to be in or partly in a sensitive area as defined in Regulation 2. As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted exceeds this threshold. The proposal is therefore Schedule 2 development.

The characteristics, location and the impacts of the development proposed are described in significant detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. It is considered that the proposal is not a major development which is of more than local importance, is not a proposal situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support further the conclusion that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations.

Taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors it is considered that the development described in the information accompanying the application would not be likely to have

significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

3.16 Planning obligation matters:

UDP Policy IMP1 states that the council's key priorities for planning obligations will be for the provision of the following:

Residential Development:

1. Improvements to public transport infrastructure, systems and services.
2. Educational provision in areas with existing shortages of school places or where the development will create such a shortage.
3. Affordable or special needs housing to meet identified local needs.
 - Where appropriate; highway improvements (including benefits for pedestrians and cyclists), environmental improvements; the provision of open space; and other community facilities.

Non-residential Development:

- Improvements to public transport infrastructure, systems and services.
- Small business accommodation and training to promote local employment and economic development.
- Town centre regeneration schemes, including their promotion, management and physical improvements.
- Where appropriate, highway improvements (including benefits for pedestrians and cyclists); environmental improvements; the provision of open space; and other community facilities.

Policy IMP2 identifies that in order to secure the best use of land, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

Policy CS15 of the 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.

In accordance with the above policies and the Council's supplementary planning documents the following obligations are required to be secured through a legal agreement with the developer:

Education

Under saved policy CS8 of the Barnet UDP 2006 and policy CS10 of the Local Plan the council will seek to secure contributions through a Section 106 Agreement for future education needs generated by developments in the borough. In accordance with the council's Contributions to Education SPD, and based on the total number of residential units proposed, a contribution of £387199 is required.

Healthcare

Under saved policy CS13 of the Barnet UDP 2006 and policy CS15 of the Local Plan the council will seek contributions to secure the provision of healthcare facilities through a Section 106 Agreement where a development creates a need for such facilities in the borough. Using the Healthy Urban Development Unit (HUDU) model, a contribution of £69340 is required towards improvements to health facilities within the borough as a result of the development.

Libraries

In accordance with saved policy CS2 of the Barnet UDP 2006, policy CS10 of the Local Plan and the Council's Contributions to Libraries SPD a contribution of £11906 is required towards the provision of library facilities within the borough as a result of the development.

Travel Plan

In accordance with saved policy M3 of the Barnet UDP 2006 and policy DM17 of the Local Plan the applicant is required to enter into a Travel Plan for the development that seeks to reduce reliance on the use of the private car and promotes sustainable means of transport.

Travel Plan Monitoring

A contribution of £5,000 is required towards the monitoring of the Travel Plan for the development to enable the Council to continue to examine the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with saved policy M3 of the Barnet UDP 2006 and policy DM17 of the Local Plan.

Biodiversity Enhancements

Natural England has stated that it would be appropriate for the council to seek biodiversity enhancements for Great Crested Newts in respect of the scheme. As the scheme is unable to provide these within the site the applicant has agreed a contribution of £5000 towards the provision of such biodiversity enhancements within the borough. This issue is discussed in greater detail in section 3.14 of this report.

Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of £9569 towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted Supplementary Planning Document for Planning Obligations.

Affordable Housing

In accordance with policy 3.12 of the London Plan and policies CS15 and DM10 of the Local Plan, the Council requires the applicant to enter into a Section 106 Agreement to provide the following number and mix of unit types and sizes:

8 Affordable Rented units in total comprising:

2 x one bedroom two person flats
5 x two bedroom four person flats
1 x three bedroom six person flats

6 Intermediate (Shared Ownership) units in total comprising:
2 x one bedroom two person flats
4 x two bedroom four person flats

Affordable housing is discussed in greater detail in section 3.7 of this report.

In accordance with the council's Supplementary Planning Document Affordable Housing, the affordable element of the proposal will employ trainees through the Notting Hill Housing Trust Construction Scheme. As such the heads of terms (set out at the start of this report) identify this as a requirement of the development.

3.17 Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral Community Infrastructure Levy (CIL). The applicant has confirmed that the existing floorspace on the site has been occupied continuously and as such it would appear likely that only the additional floorspace generated by the development would be liable for charge under CIL. The additional gross internal area generated by the development is 3342m². At the relevant rate, of £35 per square metre, this equates to a charge of £116998.

4. EQUALITIES 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;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The new buildings proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development, as controlled by the conditions recommended, would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, the provision of level or appropriately sloping access within the site, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheel chair users and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the proposed buildings is such that they would be a significant improvement over the existing building and go further in terms of achieving equality and diversity objectives. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are all considered in the above appraisal and analysis.

6. CONCLUSION

The existing buildings on the site are no longer required by the Metropolitan Police Service. Their replacement with new residential development of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites such as this.

The design and layout of the development has been influenced significantly by the need to create a scheme that relates acceptably to the character of the wider area and which mitigates the impact of the adjacent A406 on the site, so that a suitable residential environment can be created. This is particularly the case in respect of noise. Examples of how these constraints have shaped the design approach include the positioning of the block containing the flats so

that it shields the remainder of the site and makes it suitable for houses with private rear gardens and the positioning of the new park on the quietest part of the site. Such a layout also helps the development in fitting in with its context, as it positions the houses with private rear gardens (and three levels of accommodation) adjacent to houses with gardens and locates the flats to the more southern part of the site. More generally the proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings all meeting Code for Sustainable Homes Level 4.

The scheme provides an appropriate level of car parking on site for the number and type of dwellings proposed, which reflects the location of the site in an area with a Public Transport Accessibility Level of 1. The scheme has been designed to provide appropriate and safe access for all users and would not result in any significant harm to the local road network.

The landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting), provides an appropriate setting for the buildings proposed and includes the planting of 74 new trees. The development would result in the removal of a total of 64 trees from the site, of which 44 are covered by a Tree Preservation Order. However it is considered that the replacement planting proposed provides adequate mitigation for this. The remaining 29 trees on the site which are covered by the preservation order would be retained.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

The current scheme is considered to have overcome the concerns that the Planning and Environment Committee expressed about the previous application which it considered for this site (in 2009). The application is found to propose a positive development that would comply with the relevant policies in the development plan and Local Plan and provides high quality new residential accommodation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Adopted Barnet UDP, The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.

APPENDIX 1: KEY POLICY CONTEXT AND ANALYSIS

Table 1: Analysis of the proposals compliance with London Plan (July 2011) Policies

Policy	Content Summary	Extent of compliance and comment
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.	Compliant: The proposal is considered to constitute sustainable development and section 3 of the main report sets out in more detail how the proposal would comply with the relevant development plan policies.
2.6 (Outer London: Vision and Strategy); and 2.8 (Outer London: Transport)	Work to realise the full potential of outer London. Recognise and address the orbital, radial and qualitative transport needs of outer London.	Compliant: The proposal is considered to demonstrate the influence of these policies and would comply with their key relevant objectives. These include the provision of new homes which meet development plan policy and the inclusion of measures encouraging travel by non car modes of transport.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.	Compliant: Subject to the conditions recommended the proposal would provide appropriately designed soft landscaped areas and areas of open green amenity space.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.	As controlled by the conditions and obligations recommended the proposal would be designed, constructed and managed in ways that promote healthy lifestyles. Examples of this include measures to ensure the provision of a suitable air quality and noise conditions within the development and facilities to encourage cycling.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.	Compliant: The proposal would provide 64 new dwellings contributing towards strategic housing targets for Barnet and London.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.	Compliant: While the proposed development exceeds the relevant density range identified in the London Plan for a location such as this (in respect of the number of habitable rooms only), the scheme is considered to comply with the objective of this policy, by providing an optimum density of development. The proposal puts forward an acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and takes account of the sites location. Further detail on this matter is set out in section 3.3 of the main report.
Policy 3.5 (Quality and design of housing developments)	Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan. The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of	Compliant: The application is considered to demonstrate the influence of these policies and compliance with their key objectives. The design approach proposed takes suitable account of its context, the character of the area, the developments relationships with neighbouring buildings and spaces and provides a scheme of the appropriate design quality.

	physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.	The new dwellings proposed would all achieve the relevant London Plan minimum space standards and, as controlled by the conditions recommended the scheme would be of a sufficiently high quality internally, externally and in relation to their context and the wider environment. These issues are discussed in greater detail in section 3 of the report.
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.	Compliant: The proposal provides sufficient quantities of space for play and informal recreation (approximately 367m ² required to comply) and conditions have been recommended to ensure that the space provided is implemented in a manner which meets the objectives of this policy. The provision of amenity space at the site is discussed in greater detail in section 3 of the report.
3.8 (Housing choice)	Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including: <ul style="list-style-type: none"> • New developments should offer a range of housing sizes and types. • All new housing should be built to Lifetime Homes standard. • 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users. 	Compliant: The proposed development is considered to provide an appropriate mix of dwelling types for this ton centre location. All of the units would be built to achieve the Lifetime Homes Standard and not less than 10% of the units would be designed to be wheelchair accessible, or easily adaptable for wheelchair users. Conditions have been recommended to ensure that these elements of the proposal are carried through to implementation of the development.
Policy 3.9 (Mixed and balanced communities); Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); Policy 3.13 (Affordable housing thresholds)	Communities mixed and balanced by tenure and household income should be promoted across London. The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development. Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.	Compliant: The application is accompanied by an assessment which adequately demonstrates that the proposed contribution of 14 affordable dwellings (including both affordable rent and shared ownership) is the maximum contribution that it is viable for the development to make. This assessment and its conclusions have been independently verified and the issue is addressed in greater detail in section 3 of the main report, in particular section 3.7. The scheme is considered to be compliant with policies on the creation of mixed and balanced communities.
Policy 3.16 (Protection and enhancement of social infrastructure)	London requires additional and enhanced social infrastructure provision to meet the needs of its population.	Compliant: The conditions and obligations proposed are considered to ensure that the development would provide the social infrastructure necessary for it to be acceptable.

<p>Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);</p>	<p>Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.</p> <p>The Mayor will seek to ensure that developments meet the following target for CO₂ emissions, which is expressed as year improvements on the 2010 Building Regulations:</p> <p>2010 to 2013: 25% (Code for Sustainable Homes level 4);</p> <p>Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).</p>	<p>Compliant: The proposal is accompanied by adequate assessments and includes a range of measures to mitigate climate change and reduce carbon dioxide emissions in accordance with the requirements of this policy. Conditions have been recommended to ensure that these are carried through into implementation. The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.</p>
<p>Policy 5.3 (Sustainable design and construction)</p>	<p>Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.</p>	<p>Compliant: The proposal includes a range of elements and measures to achieve an appropriate level in respect of sustainable design and construction, provide an acceptable standard of environmental performance and adapt to the effects of climate change. This includes the new dwellings achieving Code for Sustainable Homes level 4. These matters are outlined in detail in section 3 of the main report.</p> <p>The development is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that this is carried through to implementation.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>	<p>Compliant: The submission demonstrates how the development proposed would achieve acceptable reductions in carbon dioxide emissions and have good sustainability credentials more widely, without the inclusion of CHP (which is not proposed for use in the development). Conditions have been recommended to ensure that the suggested measures are adopted at implementation and as controlled the proposal is considered to be acceptable in this instance.</p>
<p>Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)</p>	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>	<p>Compliant: The submission demonstrates how the development proposed would achieve acceptable reductions in carbon dioxide emissions and have good sustainability credentials more widely, without the inclusion of on site renewable energy generation.</p> <p>The submission identifies measures that are included in the scheme to reduce the potential for overheating and reliance on air conditioning.</p> <p>The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p>

<p>Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)</p>	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>	<p>Compliant: The proposed development incorporates several areas of new soft landscaping on the site. Details of these would be controlled through the conditions recommended to ensure that they achieve as many of the objectives of this policy as are possible.</p>
<p>Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)</p>	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p> <p>Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.</p>	<p>Compliant: As conditioned the proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The proposal is accompanied by a Flood Risk Assessment. This has been submitted to the Environment Agency who have responded and not raised any objections to the proposal, subject to the conditions recommended.</p> <p>Conditions have been recommended to ensure that the drainage provided as part of the development meets the requirements of this policy.</p>
<p>Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15 (Water use and supplies)</p>	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of mains water and conserve water resources.</p>	<p>Compliant: Thames Water has confirmed that there is adequate waste water infrastructure to accommodate the development.</p> <p>Conditions have been recommended to ensure that the proposal would minimise the use of mains water and conserve water.</p>
<p>Policy 5.17 (Waste capacity)</p>	<p>Suitable waste and recycling facilities are required in all new development.</p>	<p>Compliant: Conditions have been recommended which require the provision of suitable waste and recycling facilities.</p>
<p>Policy 5.21 (Contaminated land)</p>	<p>Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.</p>	<p>Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.</p>
<p>6.1 (Strategic Approach); 6.3 (Assessing Effects of Development On Transport Capacity)</p>	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p> <p>Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.</p>	<p>Compliant: The application includes measures to encourage access to the site by a range of modes of transport, including non-car modes. These measures include a travel plan seeking to encourage appropriate proportions of journeys by non-car modes of transport under the planning obligations and conditions recommended.</p> <p>The Transport Statement submitted has assessed the impact of the scheme over an appropriate area of influence. No significant impacts on the adjacent local highway network have been identified.</p> <p>The conditions and obligations recommended would ensure that the necessary transport related plans would be required and completed in accordance with the relevant guidance.</p>

6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.	Compliant: The development would be required to make a contribution under the Mayoral Community Infrastructure levy.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>	Compliant: Officers consider that the scheme proposes a suitable quality of pedestrian environment and the proposal would provide appropriate levels of facilities for cycles and cyclists. Conditions have been recommended to ensure that the objectives of these policies would be carried through to implementation.
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.	<p>Compliant: The proposal includes measures to minimise impact on traffic flow and tackle congestion. These include a travel plan setting sustainable modal split targets and encouraging shifts to non-car modes of transport, which would be enforceable under the planning obligations recommended.</p> <p>The Transport Statement has assessed the impact of the scheme over an appropriate area of influence. No significant impacts on the adjacent local highway network have been identified.</p>
6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.	Compliant: The proposal is considered to demonstrate the influence of this policy and provide appropriate levels of parking in the relevant regards. Conditions have been recommended to ensure appropriate parking facilities, including electrical charging points and parking for disabled people are implemented.
7.1 (Building London's Neighbourhoods and Communities)	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.	Compliant: The application is considered to demonstrate the influence of this policy and design of this proposal accords with the objectives of this policy. This is discussed in greater detail in the relevant parts of section 3 of the main report.
7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.	Compliant: The proposal includes a range of measures to ensure that the development would provide an inclusive environment for all members of the community. Through the conditions recommended it would be ensured that the development would be implemented and operated to accord with the objectives of this policy.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.	Compliant: The proposal includes a number of elements to meet the requirements of this policy and the Metropolitan Police Service has confirmed that they are satisfied with the proposals.
7.4 (Local character); 7.5 (Public	Buildings, streets and spaces should provide a high quality design response.	Compliant: Officers consider that, subject to the requirements of the conditions recommended, the proposed development provides an appropriate and

<p>realm); 7.6 (Architecture)</p>	<p>Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.</p> <p>Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.</p>	<p>quality design approach to the buildings and spaces which form part of the application. The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives where they are relevant. These matters are addressed in greater detail in section 3 of the main report and in particular section 3.5.</p>
<p>7.8 (Heritage assets and archaeology)</p>	<p>Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.</p> <p>Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.</p> <p>New development should make provision for the protection of archaeological resources, landscapes and significant memorials.</p>	<p>Compliant: The proposal would not have significant negative impacts on any heritage assets. The application is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>English Heritage have responded to the consultation and confirmed that they would not raise any objection or request that conditions are placed on any grant of consent.</p>
<p>7.13 (Safety, security and resilience to emergency)</p>	<p>Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.</p>	<p>Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>The Metropolitan Police Service and London Fire and Emergency Protection Authority have not raised any objections to the application.</p>
<p>7.14 (Improving air quality)</p>	<p>Proposals should:</p> <ul style="list-style-type: none"> - Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems. - Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. - Be at least air quality neutral and not lead to further deterioration of poor air quality. - Ensure that where provision needs to be made to reduce development emissions this is usually on site. 	<p>Compliant: The proposal would not have a significant adverse impact on air quality and that the impact of local air quality on the future occupiers of the development can be adequately mitigated.</p> <p>The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that the objectives of this policy would be carried through to implementation.</p>
<p>7.15 (Reducing noise)</p>	<p>Proposals should seek to reduce noise by:</p> <ul style="list-style-type: none"> - Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals. - Separate noise sensitive development from major noise sources wherever practical. - Promote new technologies and practices to reduce noise at source. 	<p>Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. The development would not have a significant adverse impact on neighbouring occupiers and users and the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in section 3 of the main report.</p>

<p>7.19 (Biodiversity and access to nature)</p>	<p>Proposals should:</p> <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. - Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan. 	<p>Compliant: Natural England have not raised any objections to the proposal and the application is considered to demonstrate the influence of this policy and includes measures to make a positive contribution to biodiversity.</p> <p>Conditions and obligations have been recommended to ensure that the key objectives of this policy would be carried through at implementation.</p>
<p>7.21 (Trees and woodlands)</p>	<p>Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be included in developments.</p>	<p>Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives. The proposal would result in the removal of trees, but adequate replacement planting has been proposed. Conditions have been recommended to ensure that the key objectives of this policy would be carried through at implementation. This issue is discussed in greater detail in section 3 of the report.</p>
<p>8.2 (Planning obligations; 8.3 (Community Infrastructure Levy)</p>	<p>Development proposals should address strategic as well as local priorities in planning obligations.</p> <p>The supporting of Crossrail (where appropriate) and other public transport improvements should be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements.</p> <p>Importance should also be given to talking climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.</p> <p>Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.</p>	<p>Compliant: A comprehensive set of planning obligations will be required before planning permission can be granted. Heads of Terms are attached to this committee report. It is considered that the package of planning obligations and conditions recommended would mitigate the potential adverse impacts of the development and also ensure that the infrastructure necessary to support and planning benefits of the scheme are delivered. The application will also necessitate a contribution under the Mayoral Community Infrastructure Levy.</p>

Table 2: Analysis of the proposals compliance with Barnet UDP (May 2006) Saved Policies

Policy	Content Summary	Extent of Compliance and Comment
GSD (Sustainable development)	Ensure development and growth is sustainable.	Compliant: It is considered that this development demonstrates the influence of this policy and achieves the overall requirements of this policy.
GWaste (Waste disposal)	Encourage principles of: <ul style="list-style-type: none"> • Waste management hierarchy • Best practical environmental option • Proximity principle. 	Compliant: It is considered that this development demonstrates the influence of this policy and subject to the conditions recommended would achieve the requirements of this policy.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment. 	Compliant: The application demonstrates the influence of this policy and will produce a development with an appropriate design response. Officers consider that the design principles that underpin the application fulfil the key criteria of these policies.
GRoadNet (Road network); GParking (Parking);	<p>Seek to ensure that roads within borough are used appropriately.</p> <p>Apply standards to restrain growth of car use and regulate parking.</p>	<p>Compliant: Subject to the controls imposed by the conditions and planning obligations recommended, it is not considered that the development would result in the inappropriate use of roads in the borough.</p> <p>The amount of proposed off street parking is policy compliant and the application includes measures to encourage restrained car use.</p>
GCS1 (Community facilities)	Adequate supply of land and buildings for community, religious, educational and health facilities.	Compliant: The planning obligations recommended ensure that suitable community facilities could be provided to support the development.
ENV7 (Air pollution)	Air pollution: <ul style="list-style-type: none"> • Any possible impacts from development must be mitigated. • Minimise impact on development through siting. • Reduce traffic and need to travel. 	Compliant: The application includes a number of controls which reduce the impact of the development on air pollution and minimize the impacts of air pollution on the development. The proposal contains suitable measures to reduce the need to travel.
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	Location of noise generating development and noise sensitive receptors should be carefully considered. Minimise impact of noise disturbance through mitigation.	Compliant: Conditions have been recommended which would ensure that the development did not have an adverse impact on neighbouring occupiers and users and that the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in the main report.
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.	Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> • Be of high quality design • Be sustainable • Ensure community safety 	Compliant: The application demonstrates the influence of this policy and would produce a development with high quality design. It is considered that, subject to the requirements of the conditions recommended, the design approach selected would fulfil the key criteria of this policy.
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.	Compliant: The application demonstrates the influence of this policy and the design of the development would protect and respect the character and quality of the site and wider area. The design approach as controlled by the conditions recommended would fulfil the key criteria of this policy.

D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.	Compliant: The design of the spaces in and around the development would enhance the application site and be in keeping with the character of the overall area.
D4 (Over-development)	Proposals not to result in over development of a site.	Compliant: Officers consider that this policy has been met and the development proposed is not found to be an overdevelopment of the site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.	Compliant: The design and siting of the development is such that it would fulfil the requirements of this policy in respect of both adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.	Compliant: The design approach proposed is considered to provide a good level of visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.	Compliant: The submission is considered to demonstrate the influence of this policy and be compliant with the key elements of this policy. The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.
HC1 (Conservation Areas – Preserving or Enhancing); HC5 (Areas of Special Character)	Development which fails to preserve or enhance the character and appearance of Conservation Areas will be refused. Development which fails to safeguard and enhance the landscape and townscape features which contribute to identity of Areas of Special Character will be refused.	The design of the proposal is such that it is considered to demonstrate the influence of these policies and be compliant with their key elements.
D11 (Landscaping); D12 (Tree preservation orders); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting 	Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives. The proposal would result in the removal of trees, but adequate replacement planting has been proposed. Conditions have been recommended to ensure that the key objectives of this policy would be carried through at implementation. This issue is discussed in greater detail in section 3 of the report.
L12 (Public open space – areas of deficiency); L14 (Public open space – improved provision)	The council will encourage: <ul style="list-style-type: none"> • Improvements to public open provision and quality space in areas, particularly in areas of deficiency. • The full use of public open spaces by all sections of the community. 	Compliant: The application includes a new park of sufficient size and this has been designed to encourage its use by all sections of the community.
M1 (Transport Accessibility)	The council will expect major developments with the potential for significant trip generation to be in locations which are, or will be made, accessible by a range of modes of transport.	Compliant: The development is considered to have an appropriate degree of accessibility for the level of trip generation that the proposal would result in and controls have been recommended to ensure that the use of a range of modes of transport is encouraged.
M2 (Transport impact assessments)	The council will require developers to submit a full transport impact assessment.	Compliant: A suitable Transport Statement has been submitted with the application. This assesses the transport impacts of the development and demonstrates that the development can be satisfactorily accommodated on the site.

M3 (Travel plans)	For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan.	Compliant: A planning obligation and condition have been recommended which would require the development and maintenance of a suitable travel plan.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.	Compliant: Subject to the controls in place under conditions recommended the development is considered to provide appropriate facilities and access for the development
M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.	Compliant: Controls have been recommended to ensure that the use of public transport is encouraged.
M8 (Road hierarchy); M10 (Reducing traffic impacts)	<p>The council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads.</p> <p>Where it is considered necessary as a consequence of a development, the council may introduce measures to reduce the traffic impacts on the environment and the community and the council will seek to secure a planning obligation from the developer.</p>	<p>Compliant: The Transport Statement has appropriately assessed the impact of the scheme and no significant impacts on the adjacent local highway network have been identified.</p> <p>The planning obligations and conditions recommended include the appropriate and necessary measures to reduce the traffic impacts of the development. These include a travel plan and controls on the provision and management of the parking facilities at the site.</p>
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	<p>The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.</p> <p>The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.</p>	<p>Compliant: The design of the development is considered to take full account of the safety of all road users and would not unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The proposal is considered to demonstrate that acceptable and safe access for all road users, including pedestrians would be provided to the site.</p> <p>It is considered that, subject to the conditions and obligations recommended, the submission demonstrates the influence of these policies and meets their requirements.</p>
M14 (Parking standards)	<p>The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be:</p> <ul style="list-style-type: none">• 2 to 1.5 spaces per unit for detached and semi-detached houses;• 1.5 to 1 spaces per unit for terraced houses and flats; and• 1 to less than 1 space per unit for development consisting mainly of flats.	<p>Compliant: The scheme will provide 84 parking spaces (9 disabled standard spaces) for the 64 dwellings proposed.</p> <p>The scheme complies with the UDP residential parking standards.</p>
H2 (Housing – other sites)	Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.	Compliant: The proposal will provide new housing in an appropriate location and make a contribution towards meeting strategic housing targets. The proposal is considered to be appropriate, would not have any unacceptable impacts and the site is not required for another use.
H5 (Affordable housing); H8	Council will negotiate the maximum reasonable amount of affordable	Compliant: The application is accompanied by an assessment which adequately demonstrates that

(Affordable housing – commuted payments)	housing. Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.	the proposed contribution of 14 affordable dwellings (including both affordable rent and shared ownership) is the maximum contribution that it is viable for the development to make. This assessment and its conclusions have been independently verified and the issue is addressed in greater detail in section 3 of the main report, in particular section 3.7. The scheme is considered to be compliant with policies on the creation of mixed and balanced communities.
H16 (Residential development – character)	Residential development should: <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. • Be well laid out. • Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space. 	Compliant: The proposal is considered to provide a design approach which demonstrates the influence of this policy and adequately meets its objectives. This is discussed in greater detail in section 3 of the report.
H17 (Residential development – privacy standards)	Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking.	Compliant: Subject to the conditions recommended the proposal includes design measures which would provide adequate privacy and prevent overlooking for future and neighbouring occupiers.
H18 (Residential development – amenity space standards)	The minimum provision of amenity space for new residential schemes is 5m ² per habitable room for flats and 70m ² for houses with 6 habitable rooms	Compliant: The houses proposed each have rear gardens of sufficient size to comply with the requirements of this policy. The flats proposed have been provided with a mixture of communal and private amenity space of sufficient size to meet the requirements of this policy.
H20 (Residential development – public recreational space)	Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.	Compliant: The application site falls within a part of the borough where a deficiency in public open space exists. Therefore the proposal includes a new area (of approximately 450m ²) of communal amenity space, which includes children’s play features. The application is considered to achieve the objectives of this policy.
CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)	Where appropriate the council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.	Compliant: The recommendations made include planning obligations to secure the achievement of appropriate contributions to the provision of community facilities (libraries), school places and health facilities in the borough.

**Table 3: Analysis of the proposals compliance with Barnet's Local Plan Policies
(September 2012)**

Policy	Content Summary	Extent of Compliance and Comment
Core Strategy		
CS NPPF (National Planning Policy Framework – presumption in favour of sustainable development)	Take a positive approach to proposals which reflects the presumption in favour of sustainable development and approve applications that accord with the Local Plan, unless material considerations indicate otherwise. Where there are no policies relevant to the proposal or the relevant policies are out of date permission should be granted, unless material considerations indicate otherwise.	Compliant: the proposal is considered to constitute a sustainable form of development which complies with the relevant policies in the Local Plan. It has therefore been recommended for approval.
CS1 (Barnet's place shaping strategy – the three strands approach)	As part of its 'Three Strands Approach' the council will: <ul style="list-style-type: none"> - Concentrate and consolidate growth in well located areas that provide opportunities for development, creating a high quality environment that will have positive impacts. - Focus major growth in the most suitable locations and ensure that this delivers sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live, work and visit. - Ensure that development funds infrastructure through Section 106 Agreements and other funding mechanisms. - Protect and enhance Barnet's high quality suburbs. 	Compliant: the proposal is considered to show the influence of this policy and demonstrates compliance with its key objectives. The location is considered to be appropriate for a development of the form and nature proposed. The design of the scheme is of a quality that achieves the objective of protecting the high quality suburbs surrounding the site. The recommendations made include planning obligations to secure the achievement of appropriate contributions to the provision of infrastructure, including community facilities (libraries), school places and health facilities in the borough.
CS3 (Distribution of growth in meeting housing aspirations)	Outside of the areas identified specifically for growth the approach to development opportunity sites will be set within the context of the density matrix in the London Plan. This will seek to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.	Compliant: While the proposed development exceeds the relevant density range identified in the London Plan for a location such as this (in respect of the number of habitable rooms only), the scheme is considered to comply with the objective of this policy, by providing an optimum density of development. The proposal puts forward an acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and takes account of the sites location. Further detail on this matter is set out in section 3.3 of the main report.
CS4 (Providing quality homes and housing choice in Barnet)	Aim to create successful communities by: <ul style="list-style-type: none"> - Seeking to ensure a mix of housing products that provide choice for all are available. - Ensuring that all new homes are built to the Lifetime Homes Standard and that the wider elements of schemes include the relevant inclusive design principles. 	Compliant: The submission is considered to demonstrate the influence of this policy and show compliance with its key objectives. The proposal provides an appropriate mix of dwelling types and sizes and includes a range of measures to ensure that the development would provide an inclusive environment for all members of the community. This includes all the dwellings

	<ul style="list-style-type: none"> - Seeking a variety of housing related support options. - Delivering 5500 new affordable homes by 2025/26 and seeking a borough wide target of 40% affordable homes on sites capable of accommodating 10 or more dwellings. - Seek an appropriate mix of affordable housing comprising 60% social rented housing and 40% intermediate housing. 	<p>proposed being constructed to achieve the relevant Lifetime Homes standards.</p> <p>The application is accompanied by an assessment which adequately demonstrates that the proposed contribution of 14 affordable dwellings (including 8 affordable rent units and 6 shared ownership units) is the maximum contribution that it is viable for the development to make. This assessment and its conclusions have been independently verified.</p> <p>These issues are addressed in greater detail in section 3 of the main report.</p>
<p>CS5 (Protecting and enhancing Barnet's character to create high quality places)</p>	<p>The council will ensure that development in Barnet respects local context and distinctive local character, creating places and buildings with high quality design.</p> <p>Developments should:</p> <ul style="list-style-type: none"> - Address the principles, aims and objectives set out in the relevant national guidance. - Be safe attractive and fully accessible. - Provide vibrant, attractive and accessible public spaces. - Respect and enhance the distinctive natural landscapes of Barnet. - Protect and enhance the gardens of residential properties. - Protect important local views. - Protect and enhance the boroughs high quality suburbs and historic areas and heritage. - Maximise the opportunity for community diversity, inclusion and cohesion. - Contribute to people's sense of place, safety and security. 	<p>Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the developments relationship with neighbouring buildings and spaces and provide a scheme of an appropriate design quality. The new dwellings proposed would all be of a sufficiently high quality internally, externally and in relation to their immediate context and the wider environment.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
<p>CS7 (Enhancing and protecting Barnet's open spaces)</p>	<p>Create a greener Barnet by:</p> <ul style="list-style-type: none"> - Meeting increased demand for access to open space and opportunities for physical activity. - Improving access to open space in areas of public open space deficiency. - Securing improvements to open spaces including provision for children's play sports facilities and better access arrangements, where opportunities arise. - Maintaining and improving greening by protecting incidental spaces, trees, hedgerows and watercourses. - Protecting existing site ecology and ensuring development makes the fullest contributions enhancing biodiversity. - Enhancing local food production. 	<p>Compliant: The proposal provides sufficient quantities of green open space, including private rear gardens for each of the houses proposed, a new communal area of amenity space and other soft landscaped areas. As far as is reasonable conditions have been recommended to ensure that the green spaces provided are implemented in a manner which meets the objectives of this policy.</p> <p>The submission is considered to demonstrate the influence of this policy and show compliance with its key objectives. The different aspects of this policy are discussed in the relevant parts of section 3 of this report in greater detail.</p>
<p>CS8 (Promoting a strong and prosperous Barnet)</p>	<p>Expect major developments to provide financial contributions and to deliver employment and training initiatives.</p>	<p>Compliant: The heads of terms recommended include a requirement for the applicant to enter into the Notting Hill Training Initiative as part of the construction of the affordable housing proposed.</p>

<p>CS9 (Providing safe, efficient and effective travel)</p>	<p>Developments should provide and allow for safe effective and efficient travel and include measures to make more efficient use of the local road network.</p> <p>Major proposals should incorporate Transport Assessments, Travel Plans, Delivery and Servicing Plans and mitigation measures and ensure that adequate capacity and high quality safe transport facilities are delivered in line with demand.</p> <p>The council will support more environmentally friendly transport networks, including the use of low emission vehicles (including electric cars), encouraging mixed use development and seeking to make cycling and walking more attractive for leisure, health and short trips.</p>	<p>Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Where appropriate conditions and obligations have been recommended to ensure that the objectives of this policy would be carried through to implementation.</p> <p>The Transport Statement submitted is considered to have assessed the impact of the scheme over an appropriate area of influence. No significant impacts on the adjacent local highway network have been identified. The design of the development is considered to take full account of the safety of all road users, includes appropriate access arrangements and would not unacceptably increase conflicting movements on the road network or increase the risk to vulnerable road users.</p> <p>Controls have been recommended to ensure that the use of a range of modes of transport is encouraged. These include a Travel Plan seeking to encourage appropriate proportions of journeys by non-car modes of transport (under the planning obligations and conditions recommended). A Construction Management Plan has been recommended to ensure the impact of the construction phase of the development is mitigated.</p> <p>Officers consider that the scheme proposes suitable access arrangements and an appropriate quality of pedestrian environment. The proposal would deliver acceptable facilities for electric vehicles, pedestrians, cycles and cyclists.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
<p>CS10 (Enabling inclusive and integrated community facilities and uses)</p>	<p>The council will ensure that community facilities are provided for Barnet's communities and expect development that increases the demand for community facilities and services to make appropriate contributions towards new and accessible facilities.</p>	<p>Compliant: The recommendations made include planning obligations to secure the achievement of appropriate contributions to the provision of infrastructure, including community facilities (libraries), school places and health facilities in the borough.</p>
<p>CS11 (Improving health and wellbeing in Barnet)</p>	<p>Will improve health and wellbeing in Barnet through a range of measures including supporting healthier neighbourhoods, ensuring increased access to green spaces and improving opportunities for higher levels of physical activity.</p>	<p>Compliant: The design of the development has been influenced by the desire to create a healthy residential environment. This includes providing a layout and other measures to mitigate the noise and air quality impacts arising from the sites proximity to the A406 and the provision of a new park. The proposal is found to be compliant with the objectives of this policy.</p>
<p>CS12 (Making Barnet a safer place)</p>	<p>The Council will:</p> <ul style="list-style-type: none"> - Encourage appropriate security and community safety measures in developments and the transport network. - Require developers to demonstrate that they have incorporated community safety and security design principles in new development. - Promote safer streets and public areas, including open spaces. 	<p>Compliant: The design of the proposal is considered to demonstrate the influence of this policy and be compliant with the key elements of this policy.</p> <p>The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.</p>

<p>CS13 (Ensuring the efficient use of natural resources)</p>	<p>The council will:</p> <ul style="list-style-type: none"> - Seek to minimise Barnet's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. - Promote the highest environmental standards for development to mitigate and adapt to the effects of climate change. - Expect development to be energy efficient and seek to minimise any wasted heat or power. - Expect developments to comply with London Plan policy 5.2. - Maximise opportunities for implementing new district wide networks supplied by decentralised energy. - Make Barnet a water efficient borough, minimise the potential for fluvial and surface flooding and ensure developments do not harm the water environment, water quality and drainage systems. - Seek to improve air and noise quality. 	<p>Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>The proposal is accompanied by adequate assessments and includes a range of measures to mitigate climate change and reduce carbon dioxide emissions in accordance with the requirements of this policy. The submission demonstrates how the development proposed would achieve acceptable reductions in carbon dioxide emissions and have good sustainability credentials more widely, without the inclusion of CHP (which is not proposed for use in the development).</p> <p>The proposal would not have a significant adverse impact on the local noise environment. The submission assesses the impact of the local noise environment on the development. The amenities of future occupiers would be adequately protected as far as is practicable in this regard.</p> <p>The proposal would not have a significant adverse impact on air quality and the impact of local air quality on the future occupiers of the development can be adequately mitigated.</p> <p>The proposal is accompanied by a Flood Risk Assessment. This has been submitted to the Environment Agency who have responded and not raised any objections to the proposal, subject to the conditions recommended. Conditions have been recommended to ensure that the drainage provided as part of the development meets the requirements of this policy. Thames Water has confirmed that there is adequate waste water infrastructure to accommodate the development. The scheme would minimise the use of mains water and conserve water.</p> <p>Appropriate conditions have been recommended to ensure that the proposal is implemented in a way which achieves the objectives of this policy.</p> <p>These issues are addressed in greater detail in the relevant parts of section 3 of the main report.</p>
<p>CS14 (Dealing with our waste)</p>	<p>The council will encourage sustainable waste management by promoting waste prevention, re-use, recycling, composting and resource efficiency over landfill and requiring developments to provide appropriate waste and recycling facilities.</p>	<p>Compliant: It is considered that this development demonstrates the influence of this policy and subject to the conditions recommended would achieve the requirements of this policy.</p>
<p>CS15 (Delivering the Core Strategy)</p>	<p>The council will work with partners to deliver the vision, objectives and policies of the Core Strategy, including working with developers and using planning obligations (and other funding mechanism where appropriate) to support the delivery of infrastructure, facilities and services to meet needs generated by development and mitigate the impact of development.</p>	<p>Compliant: The recommendations made include planning obligations to secure the achievement of appropriate contributions to the provision of infrastructure, including community facilities (libraries), school places and health facilities in the borough.</p>

Development Management Policies

<p>DM01 (Protecting Barnet's character and amenity)</p>	<p>Development should represent high quality design that contributes to climate change mitigation and adaptation.</p> <p>Proposals should be based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.</p> <p>Development should ensure attractive, safe and vibrant streets which provide visual interest. Proposal should create safe and secure environments, reduce opportunities for crime and minimise fear of crime.</p> <p>Development should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Lighting schemes should not have a demonstrably harmful impact on amenity or biodiversity. Proposals should retain outdoor amenity space.</p> <p>Trees should be safeguarded and when protected trees are to be felled the Council will require suitable tree replanting. Proposals will be required to include landscaping that is well laid out; considers the impact of hardstandings on character; achieves a suitable visual setting; provides an appropriate level of new habitat; makes a positive contribution to the to the surrounding area; contributes to biodiversity (including the retention of existing wildlife habitat and trees); and adequately protects existing tress and their root systems.</p>	<p>Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives. Where appropriate conditions have been recommended to ensure that the development implemented will achieve the objectives of the policy.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the developments relationships with neighbouring buildings and spaces. The scheme is found to be of a sufficiently high quality design internally, externally and in relation to its context and wider environment.</p> <p>The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals and the development is found to create a safe and secure environment. Conditions have been recommended to ensure that appropriate street lighting implemented as part of the scheme.</p> <p>The design of the development is such that it would fulfil the requirements of this policy in respect of the amenities of both adjoining and potential occupiers and users. The scheme would provide an acceptable level of new outdoor amenity space.</p> <p>Natural England has not raised any objections to the proposal and the application includes measures to make a positive contribution to biodiversity. The proposal would result in the removal of trees, but adequate landscaping, including replacement tress planting has been proposed.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
<p>DM02 (Development standards)</p>	<p>Development will be expected to demonstrate compliance with relevant standards, supported by the guidance provided in the Council's Supplementary Planning Documents.</p>	<p>Compliant: The submission is considered to demonstrate the influence of this policy and meets relevant standards. All the dwellings would achieve Code for Sustainable Homes Level 4, meet the Lifetime Homes Standards and achieve the London Plan minimum floor space standards. Policy compliant levels of outdoor amenity and play space would be provided on site and 10% of the dwellings would be constructed to be easily adaptable to wheelchair accessible standards.</p>
<p>DM03 (Accessibility and inclusive design)</p>	<p>Developments should meet the highest standards of accessible and inclusive design.</p>	<p>Compliant: The proposal includes a range of measures to ensure that the development would provide an accessible and inclusive environment for all members of the community. Through the conditions recommended it would be ensured that the development would be implemented and operated to accord with the objectives of this policy.</p>
<p>DM04 (Environmental considerations)</p>	<p>Developments are required to demonstrate their compliance with the Mayor's targets for reductions in carbon</p>	<p>Compliant: The proposal is considered to demonstrate the influence of this police and compliance with its key objectives.</p>

	<p>dioxide emissions within the framework of the energy hierarchy.</p> <p>Where decentralised energy is feasible or planned development will provide either suitable connection; the ability for future connection; a feasibility study or a contribution to a feasibility study.</p> <p>Proposals should be should be designed and sited to reduce exposure to air pollutants and ensure that development is not contributing to poor air quality. Locating development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise not normally be permitted. Mitigation of noise impacts through design, layout and insulation will be expected where appropriate.</p> <p>Development on land which may be contaminated should be accompanied by an investigation to establish the level of contamination. Proposals which could adversely affect ground water quality will not be permitted.</p> <p>Development should demonstrate compliance with the London Plan water hierarchy for run off, especially in areas prone to flooding.</p>	<p>The proposal is accompanied by adequate assessments and includes a range of measures to mitigate climate change and reduce carbon dioxide emissions in accordance with the requirements of this policy. The submission demonstrates how the development proposed would achieve acceptable reductions in carbon dioxide emissions and have good sustainability credentials more widely, without the inclusion of CHP (which is not proposed for use in the development).</p> <p>The proposal would not have a significant adverse impact on the local noise environment. The submission assesses the impact of the local noise environment on the development. The amenities of future occupiers would be adequately protected as far as is practicable in this regard.</p> <p>The proposal would not have a significant adverse impact on air quality and the impact of local air quality on the future occupiers of the development can be adequately mitigated. The controls recommended require the appropriate investigation and mitigation of any contamination.</p> <p>The proposal is accompanied by a Flood Risk Assessment. This has been submitted to the Environment Agency who have responded and not raised any objections to the proposal, subject to the conditions recommended. Conditions have been recommended to ensure that the drainage provided as part of the development meets the requirements of this policy. Thames Water has confirmed that there is adequate waste water infrastructure to accommodate the development. The proposal would minimise the use of mains water and conserve water.</p> <p>Appropriate conditions have been recommended to ensure that the proposal is implemented in a way which achieves the objectives of this policy.</p> <p>These issues are addressed in greater detail in the relevant parts of section 3 of the main report.</p>
DM05 (Tall buildings)	Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable.	Compliant: the proposal does not constitute a tall building under this policy.
DM06 (Barnet's heritage and conservation)	<p>All development to have regard to the local historic context and protect heritage assets in line with their significance.</p> <p>Development proposals to preserve or enhance the character and appearance of conservation areas and protect archaeological remains.</p>	<p>Compliant: The proposal would not have significant negative impacts on any heritage assets. The application is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>English Heritage have responded to the consultation and confirmed that they would not raise any objection or request that conditions are placed on any grant of consent.</p>
DM07 (Protecting housing in Barnet); and DM09 (Specialist)	The loss of residential accommodation will not be permitted unless the proposed use is for a community facility (for which there is a demonstrated need and where demand cannot be adequately met elsewhere); or the location is no longer	Compliant: The existing section house accommodation is no longer required by the Metropolitan Police Service and the development proposed would result in a net gain in the quantity of residential accommodation provided on the site.

housing – houses in multiple occupation, student accommodation and housing choice for older people)	<p>suitable or viable for residential use; or it involves identified regeneration areas.</p> <p>The council will seek to retain specialist housing provided that it meets an identified need.</p>	
DM08 (Ensuring a variety of sizes of new homes to meet housing need)	<p>Development should provide, where appropriate a mix of dwelling types and sizes in order to provide choice.</p> <p>Barnet's dwelling size priorities are 3 bedroom properties the highest priority for social rented dwellings, 3 and 4 bedroom properties the highest priority for intermediate affordable dwellings and 4 bedroom properties the highest priority for market housing, with three bedroom properties a medium priority.</p>	Compliant: The submission is considered to demonstrate the influence of this policy and provides an appropriate mix of dwelling types and sizes. This matter is discussed in greater detail in section 3 of the report.
DM10 (Affordable housing contributions)	The maximum reasonable amount of affordable housing will be required on site, subject to viability, from new sites, having regard to the target that 40% of housing provision borough wide should be affordable.	Compliant: The application is accompanied by an assessment which adequately demonstrates that the proposed contribution of 14 affordable dwellings (including both affordable rent and shared ownership) is the maximum contribution that it is viable for the development to make. This assessment and its conclusions have been independently verified and the issue is addressed in greater detail in section 3 of the main report, in particular section 3.7. The scheme is considered to be compliant with policies on the creation of mixed and balanced communities.
DM15 (Green belt and open spaces)	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 the on site provision of public open space.	Compliant: The application is considered to demonstrate the influence of this policy and includes a new park of sufficient size.
DM16 (Biodiversity)	The Council will seek the retention and enhancement, or the creation of biodiversity.	Compliant: Natural England have not raised any objections to the proposal and the application is considered to demonstrate the influence of this policy and includes measures to make a positive contribution to biodiversity. Conditions and obligations have been recommended to ensure that the key objectives of this policy would be carried through at implementation.
DM17 (Travel impact and parking standards)	<p>The Council will :</p> <ul style="list-style-type: none"> - Ensure that the safety of all road users is taken into account when considering development proposals. - Ensure that roads within the borough are used appropriately according to their status. - Expect major development proposals with the potential for significant trip generation to be in locations which are (or will be) highly accessible by a range of transport modes. Developments should be located and designed to make the use of public transport more attractive. - Require a full Transport Assessment where the proposed development is 	<p>Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions and obligations have been recommended to ensure that the objectives of this policy would be carried through to implementation.</p> <p>The development has an appropriate degree of accessibility for the level of trip generation that the proposal would result in and controls have been recommended to ensure that the use of a range of modes of transport is encouraged. These measures include a Travel Plan seeking to encourage appropriate proportions of journeys by non-car modes of transport (under the planning obligations and conditions recommended). A Construction Management Plan has been recommended to</p>

	<p>anticipated to have significant transport implications.</p> <ul style="list-style-type: none"> - Require the occupier to develop, implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets. - Expect development to provide safe and suitable access arrangements for all road users. - Require appropriate measures to control vehicle movements, servicing and delivery arrangements. - Require, where appropriate, improvements to cycle and pedestrian facilities. - Parking will be expected to be provided in accordance with the following per unit maximum standards: <ul style="list-style-type: none"> i. 2 to 1.5 spaces for detached and semi-detached houses and flats (4 or more bedrooms). ii. 1.5 to 1 spaces for terraced houses and flats (2 to 3 bedrooms). iii. 1 to less than 1 space for developments consisting mainly of flats (1 bedroom). - Residential development may be acceptable with limited or no parking outside a Controlled Parking Zone only where it can be demonstrated that there is sufficient on street parking capacity. 	<p>ensure the impact of the construction phase of the development is mitigated.</p> <p>The Transport Statement submitted is considered to have assessed the impact of the scheme over an appropriate area of influence. No significant impacts on the adjacent local highway network have been identified.</p> <p>The design of the development is considered to take full account of the safety of all road users, includes appropriate access arrangements and would not unacceptably increase conflicting movements on the road network or increase the risk to vulnerable road users.</p> <p>The scheme will provide 84 parking spaces (including 9 disabled standard spaces) for the 64 dwellings proposed, which is sufficient to comply with the Local Plan parking standards.</p> <p>Officers consider that the scheme proposes suitable access arrangements and an appropriate quality of pedestrian environment. The proposal would deliver acceptable facilities for pedestrians, cycles and cyclists.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
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Key relevant local and strategic supplementary planning documents

Local Supplementary Planning Documents and Guidance:

Contributions to Health Facilities from Development (July 2009)
Contributions to Education from Development (February 2008)
Contributions to Library Services from Development (February 2008)
Sustainable Design and Construction (June 2007)
Affordable Housing (February 2007)
Planning Obligations (Section 106) (September 2006)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Housing (November 2005)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Draft SPG Note Affordable Housing (November 2011)
Housing – Draft Supplementary Planning Guidance (December 2011)

APPENDIX 2: KEY PLANNING HISTORY FOR THE SITE

C17486/08 'Environmental Impact Assessment - Screening Opinion.'
ENVIRONMENTAL STATEMENT NOT REQUIRED.

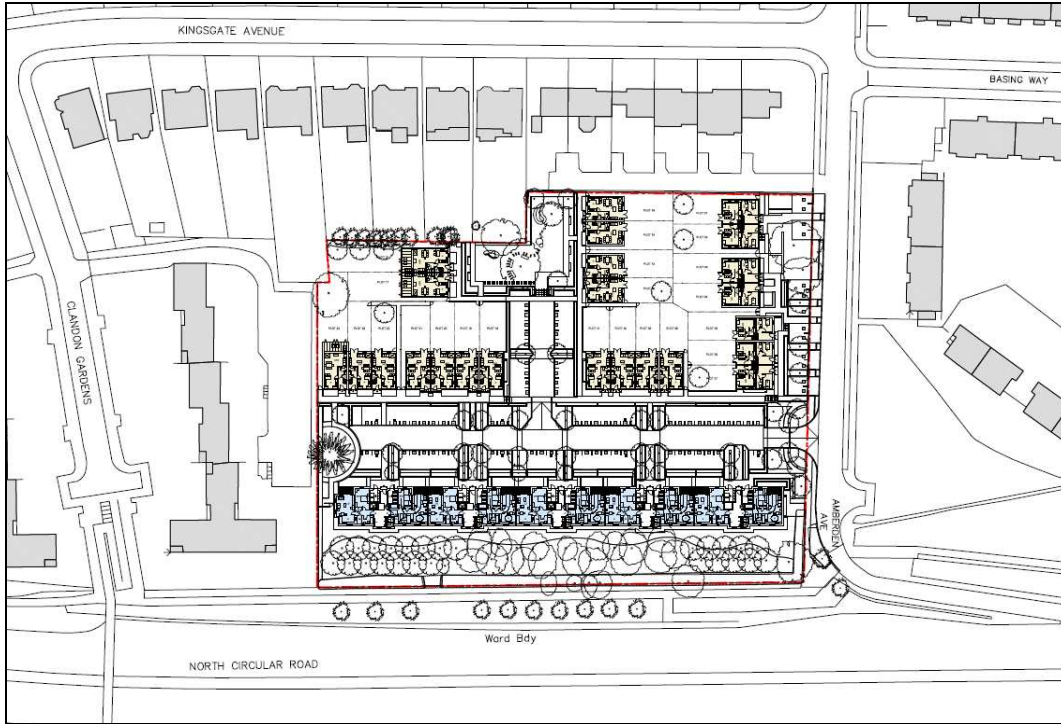
F/00214/08 'The redevelopment of Kingsgate House to allow the construction, for residential purposes (Use Class C3), of a 4 to 8 storey building, comprising 142 apartments and 23 mews houses, as well as ancillary facilities including service provision and amenity space, new vehicular access from Amberden Avenue, refuse stores and car/ Motorcycle/ cycle parking.'
WITHDRAWN.

F/00245/08 'Redevelopment of Kingsgate House to allow the construction, for residential purposes (Use Class C3), of 4 to 7 storey buildings, comprising 123 apartments and 22 mews houses, ancillary facilities including amenity space, new access from Amberden Avenue, refuse stores and car/ motorcycle/ cycle parking and servicing.'
WITHDRAWN.

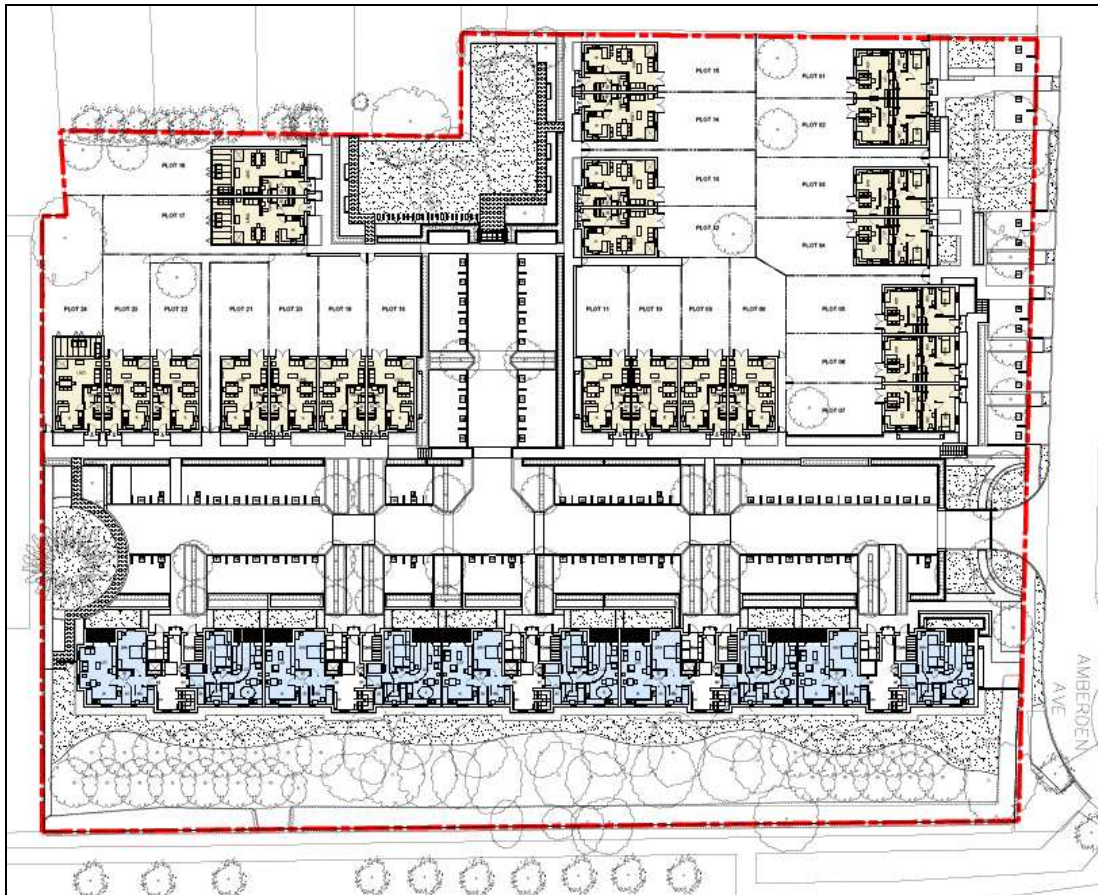
F/04551/09 'The redevelopment of Kingsgate House, to allow the construction for residential purposes (use class C3) of 3 to 7 storey buildings comprising 120 apartments and 22 mews houses, as well as ancillary facilities including amenity space, children's play space (0-11 years), new access from Amberden Avenue, refuse stores, car/motorcycle/cycle parking and servicing.'
WITHDRAWN.

APPENDIX 3: PLANS OF THE PROPOSED DEVELOPMENT

Proposed site layout and context:



Proposed site ground floor layout:



APPENDIX 4: INFORMATIVES

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010, this informative summarises the local planning authority's reasons for granting planning permission for this development and the relevant development plan policies taken into account in this decision.

In summary, the Local Planning Authority considers that the proposed development should be permitted for the following reasons:

The existing buildings on the site are no longer required by the Metropolitan Police Service. Their replacement with new residential development of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites such as this.

The design and layout of the scheme has been influenced significantly by the need to create a scheme that relates acceptably to the character of the wider area and which mitigates the impact of the adjacent A406 on the site, so that a suitable residential environment can be created. This is particularly the case in respect of noise. More generally the proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings all meeting Code for Sustainable Homes Level 4.

The scheme provides an appropriate level of car parking on site for the number and type of dwellings proposed, which reflects the location of the site in an area with a Public Transport Accessibility Level of 1. The scheme has been designed to provide appropriate and safe access for all users and would not result in any significant harm to the local road network.

The landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces (including new areas of lawn and shrub planting), provides an appropriate setting for the buildings proposed and includes the planting of 74 new trees. The development would result in the removal of a total of 64 trees from the site, of which 44 are covered by a Tree Preservation Order. However it is considered that the replacement planting proposed provides adequate mitigation for this. The remaining 29 trees on the site which are covered by the preservation order would be retained.

A number of conditions and planning obligations have been recommended to ensure that the development achieves a suitable quality of residential environment, does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

The current scheme is considered to have overcome the concerns that the Planning and Environment Committee expressed about the previous application which it considered for this site (in 2009). The application is found to propose a positive development that would comply with the relevant policies in the development plan and Local Plan and provides high quality new residential accommodation. As such it is considered that there are material planning considerations which justify the grant of planning permission.

A summary of the development plan policies relevant to this decision is set out in Tables 1 and 2 below:

Table 1: Summary of the London Plan (2011) policies relevant to this decision

Policy	Content Summary
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.
2.6 (Outer London: Vision and Strategy); and 2.8 (Outer London: Transport)	Work to realise the full potential of outer London. Recognise and address the orbital, radial and qualitative transport needs of outer London.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.
Policy 3.5 (Quality and design of housing developments)	Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan. The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.
3.8 (Housing choice)	Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including: <ul style="list-style-type: none"> • New developments should offer a range of housing sizes and types. • All new housing should be built to Lifetime Homes standard. • 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users.

Policy 3.9 (Mixed and balanced communities); Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); Policy 3.13 (Affordable housing thresholds)	Communities mixed and balanced by tenure and household income should be promoted across London. The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development. Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.
Policy 3.16 (Protection and enhancement of social infrastructure)	London requires additional and enhanced social infrastructure provision to meet the needs of its population.
Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);	Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. The Mayor will seek to ensure that developments meet the following target for CO ₂ emissions, which is expressed as year improvements on the 2010 Building Regulations: 2010 to 2013: 25% (Code for Sustainable Homes level 4); Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).
Policy 5.3 (Sustainable design and construction)	Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.
Policy 5.6 (Decentralised energy in development proposals)	Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary. Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.
Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)	Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible. Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.
Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)	Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening. Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.
Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)	Proposals must comply with the flood risk assessment and management requirements of set out in PPS25. Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.
Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15 (Water use and	Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development. Development should minimise the use of mains water and conserve water resources.

supplies)	
Policy 5.17 (Waste capacity)	Suitable waste and recycling facilities are required in all new development.
Policy 5.21 (Contaminated land)	Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.
6.1 (Strategic Approach); 6.3 (Assessing Effects of Development On Transport Capacity)	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p> <p>Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.</p>
6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.
6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.
7.1 (Building London's Neighbourhoods and Communities)	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture)	<p>Buildings, streets and spaces should provide a high quality design response.</p> <p>Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.</p> <p>Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.</p>

7.8 (Heritage assets and archaeology)	<p>Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.</p> <p>Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.</p> <p>New development should make provision for the protection of archaeological resources, landscapes and significant memorials.</p>
7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.
7.14 (Improving air quality)	<p>Proposals should:</p> <ul style="list-style-type: none"> - Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems. - Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. - Be at least air quality neutral and not lead to further deterioration of poor air quality. - Ensure that where provision needs to be made to reduce development emissions this is usually on site.
7.15 (Reducing noise)	<p>Proposals should seek to reduce noise by:</p> <ul style="list-style-type: none"> - Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals. - Separate noise sensitive development from major noise sources wherever practical. - Promote new technologies and practices to reduce noise at source.
7.19 (Biodiversity and access to nature)	<p>Proposals should:</p> <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. - Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.
7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be included in developments.
8.2 (Planning obligations; 8.3 (Community Infrastructure Levy)	Development proposals should address strategic as well as local priorities in planning obligations. The supporting of Crossrail (where appropriate) and other public transport improvements should be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements. Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops. Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.

Table 2: Summary of the Saved Barnet UDP (2006) policies relevant to this decision

Policy	Content Summary
GSD (Sustainable development)	Ensure development and growth is sustainable.
GWaste (Waste disposal)	Encourage principles of: <ul style="list-style-type: none"> • Waste management hierarchy • Best practical environmental option • Proximity principle.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment.
GRoadNet (Road network); GParking (Parking);	Seek to ensure that roads within borough are used appropriately. Apply standards to restrain growth of car use and regulate parking.
GCS1 (Community facilities)	Adequate supply of land and buildings for community, religious, educational and health facilities.
ENV7 (Air pollution)	Air pollution: <ul style="list-style-type: none"> • Any possible impacts from development must be mitigated. • Minimise impact on development through siting. • Reduce traffic and need to travel.
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	Location of noise generating development and noise sensitive receptors should be carefully considered. Minimise impact of noise disturbance through mitigation.
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> • Be of high quality design • Be sustainable • Ensure community safety
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.
D4 (Over-development)	Proposals not to result in over development of a site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.
HC1 (Conservation Areas – Preserving or Enhancing); HC5 (Areas of Special Character)	Development which fails to preserve or enhance the character and appearance of Conservation Areas will be refused. Development which fails to safeguard and enhance the landscape and townscape features which contribute to identity of Areas of Special Character will be refused.

D11 (Landscaping); D12 (Tree preservation orders); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting
L12 (Public open space – areas of deficiency); L14 (Public open space – improved provision)	The council will encourage: <ul style="list-style-type: none"> • Improvements to public open provision and quality space in areas, particularly in areas of deficiency. • The full use of public open spaces by all sections of the community.
M1 (Transport Accessibility)	The council will expect major developments with the potential for significant trip generation to be in locations which are, or will be made, accessible by a range of modes of transport.
M2 (Transport impact assessments)	The council will require developers to submit a full transport impact assessment.
M3 (Travel plans)	For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.
M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.
M8 (Road hierarchy); M10 (Reducing traffic impacts)	The council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads. Where it is considered necessary as a consequence of a development, the council may introduce measures to reduce the traffic impacts on the environment and the community and the council will seek to secure a planning obligation from the developer.
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals. The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users. The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.
M14 (Parking standards)	The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be: <ul style="list-style-type: none"> • 2 to 1.5 spaces per unit for detached and semi-detached houses; • 1.5 to 1 spaces per unit for terraced houses and flats; and • 1 to less than 1 space per unit for development consisting mainly of flats.
H2 (Housing – other sites)	Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.

H5 (Affordable housing); H8 (Affordable housing – commuted payments)	Council will negotiate the maximum reasonable amount of affordable housing. Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.
H16 (Residential development - character)	Residential development should: <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. • Be well laid out. • Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space.
H17 (Residential development – privacy standards)	Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking.
H18 (Residential development – amenity space standards)	The minimum provision of amenity space for new residential schemes is 5m ² per habitable room for flats and 70m ² for houses with 6 habitable rooms
H20 (Residential development – public recreational space)	Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.
CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)	Where appropriate the council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.

2. In complying with the contaminated land condition parts 1 and 2:
 - a) Reference should be made at all stages to appropriate current guidance and codes of practice at August 2012 this would include:
 - 1) The Environment Agency CLR model procedures;
 - 2) BS10175:2011 Investigation of potentially contaminated sites – Code of Practice;
 - 3) The Environment Agency “Guiding principles for land contamination (GPLC)”;
 - and
 - 4) Guidance for the safe development of housing on land affected by contamination, Environment Agency R&D Publication 66:2008.
 - b) Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.
 - c) All raw data should be provided in a form that can be easily audited and assessed by the council. (e.g. trial pit logs and complete laboratory analysis reports).

- d) Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made should be included. (e.g. the reasons for the choice of sampling locations and depths).
3. If the development is carried out it will be necessary for any existing redundant vehicular crossovers to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
 4. The applicant must submit a separate application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.
 5. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP.
 6. The applicant needs to be aware when preparing Construction Management Plan that there are various gated road closures at the following junctions.
 - Junction of Stanhope Avenue and Mountfield Road
 - Junction of Windermere Avenue and Spring place
 - Junction of Kingsgate Avenue and Basing Way
 - Junction of Cavendish Avenue and Holly Park Gardens.
 7. The applicant is advised that the site is located within a residential area therefore deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1830 hrs.
 8. It is recommended that construction deliveries are routed through A406 North Circular Road (NCR) which is part of a Transport for London Road Network (TLRN) and a Strategic Road Network (SRN). There are two roads which connect to A406 NCR, Edge Hill Avenue and Beachwood Avenue. However, prior to finalising the route for construction traffic, the Environment, Planning and Regeneration Directorate should be consulted in this respect to agree the route.
 9. Regents Park Road is part of Traffic Sensitive Route from 8.00am-9.30am and 4.30pm-6.30pm Monday-Friday.
 10. The costs of any associated works to the public highway, including temporary traffic order making and related implementation works and reinstatement works will be borne by the applicants and carried out either under rechargeable works Agreement or may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by Traffic & Development Section – Environment,

Planning and Regeneration Directorate.

11. The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.
12. Where a developer proposes to discharge water to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

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LOCATION: Holcombe House and MIL Building, The Ridgeway,
London, NW7 4HY
REFERENCE: H/01744/12
WARD: Mill Hill

Received: 23 April 2012
Accepted: 23 April 2012
Expiry: 23 July 2012

AGENDA ITEM 12

Final Revisions:

APPLICANT: Quinn Developments Ltd

PROPOSAL: Change of use and refurbishment of Holcombe House to provide a single family dwelling house together with the conversion of the MIL Building into 15 self-contained residential units, including removal of the link structure between the buildings, associated alterations, car-parking and landscaping.

RECOMMENDATION: APPROVE SUBJECT TO A SECTION 106 AGREEMENT

RECOMMENDATION I:

That the application be referred to the Greater London Authority (Under Article 5 of the Town and Country Planning (Mayor of London) Order 2008).

RECOMMENDATION II:

Subject to obtaining the Mayor's decision not to direct refusal the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £67,254.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £16,128.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £1,813.00**
A contribution towards Library Facilities and Resources in the borough
- 6 **Special Site-Specific Obligation £0.00**
Subject to a review mechanism which appropriately re-considers the viability of the development a financial contribution towards the provision of affordable housing within the London Borough of Barnet limited to a maximum of the equivalent value of 40% of the units proposed.

7 Monitoring of the Agreement

£2,982.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION III:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/01744/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PL-200 Rev B; PL-201 Rev B; PL-202 Rev B; PL-203 Rev A; PL- 204 Rev A; PL-205 Rev B; PL-206 Rev A; PL-210 Rev A; PL-211 Rev B; PL-212 Rev B; PL-213 Rev B; PL-214 Rev B; PL-215 Rev B; PL-216 Rev B; PL-217 Rev A; PL-218 Rev A; PL-219 Rev B.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

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

3. Before the development of the MIL Building hereby permitted is occupied the car parking spaces, cycle parking and electric vehicle charging points shown on Plan PL-211 Rev B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

4. Before the development of the MIL building is commenced, details of the levels of the parking area and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site 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 ensure that the work is carried out at suitable levels in relation to the health of trees.

5. Before the development of the MIL building hereby permitted commences, details of the appearance of the enclosures for refuse and cycle storage shown on Plan No. PL-211 Rev B shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

6. A scheme of hard and soft landscaping, including details of the landscaping to the front of Holcombe House and details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

7. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

8. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

9. Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

10. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the

Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

11. No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

12. No development or other operations shall commence on site in connection with the [demolition and] development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

13. No siteworks or works on this development shall be commenced before a Landscape Management Plan for all landscaped areas, for a minimum period of 10 years, including long term design objectives, management responsibilities, maintenance schedules, and replacement planting provisions for existing retained trees and trees and/or shrubs to be planted as part of the approved landscaping scheme, is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the Plan approved.

Reason:

To ensure a satisfactory appearance to the development.

14. Before the development hereby permitted is commenced a gazetteer identifying historic features of interest of Holcombe House shall be submitted to the Local Planning Authority.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

15. Before the development of Holcombe House hereby permitted is commenced details of the following shall be submitted to and approved in writing by the Local Planning Authority;
Any replacement timber windows at a scale of 1:10, including sections, with 1:1 glazing bar details,
Iron grilles to the reinstated basement lightwells,
Any replacement internal doors at a scale of 1:10,
Boundary treatment, including gates / railings / walls / fences,
Any kitchen, bathroom or sauna air vents / terminals or other flues,
Refuse and recycling storage enclosures.

The development shall be implemented in accordance with the details approved.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

16. Before the development of the MIL buildings hereby permitted is commenced details of the following shall be submitted to and approved in writing by the Local Planning Authority;

New communal conservatory,
New entrance doors and windows / window surrounds,
New entrance door canopies,
Any kitchen and bathroom air vents / terminals and boiler flues,
Conservation rooflights,
New internal or external doors at a scale of 1:10,
Boundary treatment, including gates / railings / walls / fences,
Disabled persons platform lift.

The development shall be implemented in accordance with the details approved.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

17. Before the development hereby permitted commences, samples of the materials to be used for the external surfaces of the building(s), including new brickwork, new natural slate to the former gym building, and hard surfaced areas, and samples of the new windows (to the MIL building), 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:

In order to safeguard the special architectural or historic interest of the Listed Building.

18. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

19. Prior to the commencement of the development a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme of measures shall be implemented in accordance with the approved details before the development is occupied.

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 GSD, GBEnv2, D1 and D11 of the Barnet UDP 2006, DM16 of the Barnet Local Plan 2012 and policies 5.5, 5.11 and 7.19 of the London Plan 2011.

20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for: access to the site, and the parking of vehicles for site operatives and visitors; hours of operations, to include deliveries and loading and unloading of plant and materials; storage of plant and materials used in the construction of the development; the erection of any temporary means of enclosure or security hoarding; and measures to prevent mud and debris being carried on to the public highway. The approved statement shall be adhered to throughout the demolition and construction period.

Reason:

In the interests of the free flow of traffic, highway safety, and the amenities of neighbouring residents.

21. The development shall be implemented in accordance with the details set out in the submitted 'Energy Statement' (26 March 2012) and 'Sustainability Statement' (30 March 2012) prepared by Ecofirst Consult.

Reason:

To ensure the development is sustainable.

22. Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler shall be submitted to and approved by the Local Planning Authority. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development.

23. Before the development hereby permitted commences on site details of all extraction and ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GWaste, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, O1, O2, O3, O6, O17, M1, M7,

M14, H5, H8, H16, H17, H18, H20, H24, CS2, CS8, CS13, IMP1 and IMP2.

Barnet SPD: Contributions to Health Facilities from Development (July 2009)

Barnet SPD: Contributions to Education from Development (February 2008)

Barnet SPD: Contributions to Library Services from Development (February 2008)

Barnet SPD: Sustainable Design and Construction (June 2007)

Barnet SPD: Affordable Housing (February 2007)

Barnet SPD: Planning Obligations (Section 106) (September 2006)

Mill Hill Conservation Area Character Appraisal Statement

Local Plan Core Strategy: CS4, CS5, CS7, CS11, CS13, CS15.

Local Plan Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM15, DM16, DM17

ii) The proposal is acceptable for the following reason(s): - The proposed development would not detract from the openness of the Green Belt and would not harm the character and appearance of the Mill Hill Conservation Area. It would repair a listed building and would provide suitable accommodation for future residents. There would be no undue impacts on the amenities of the neighbouring occupiers and the proposal complies with all relevant council policy and design guidance.

2. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.
3. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

RECOMMENDATION IV:

That if an planning obligation has not been completed by 23/01/2013 , that unless otherwise agreed in writing, the Assistant Director of Planning and Development should REFUSE the application H/01744/12 under delegated powers for the following reason:

A planning obligation has not been completed to secure a mechanism to review the viability of the scheme to provide a financial contribution towards affordable housing within the borough, or to provide financial contributions towards the additional pressure created by the development that will be placed on education, health and libraries facilities, and monitoring of the obligation, which are necessary to accord

with policies H5, H8, CS2, CS8, CS13, IMP1 and IMP2 of the adopted Barnet Unitary Development Plan, policies CS4, CS15, DM10, DM15, DM16 & DM17 of the Barnet Local Plan, and the Barnet Supplementary Planning Documents: Contributions to Library Services from Development (Feb 2008), Contributions to Education from Development (Feb 2008), Affordable Housing (Feb 2007), Contributions to Health Facilities from Development (July 2009) and Planning Obligations (Sept 2006).

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

Policy 1.1 Delivering the Strategic Vision and Objectives for London
Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing potential
Policy 3.5 Quality and Design of Housing Development
Policy 3.6 Children and Young People's Play and Informal Recreation Facilities
Policy 3.8 Housing Choice
Policy 3.9 Mixed and balanced Communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable Housing Targets
Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
Policy 3.13 Affordable Housing Thresholds
Policy 5.1 Climate Change Mitigation
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design and Construction
Policy 5.7 Renewable Energy
Policy 5.12 Flood Risk Management
Policy 5.13 Sustainable Drainage
Policy 6.13 Parking
Policy 7.1 Building London's Neighbourhoods and Communities
Policy 7.2 An Inclusive Environment
Policy 7.3 Designing out Crime
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.16 Green Belt
Policy 7.21 Trees and Woodland
Policy 8.2 Planning Obligations

Strategic Supplementary Planning Guidance (SPG):

Mayor of London: Accessible London - Achieving an Inclusive Environment SPG (April 2004)

Mayor of London: Sustainable Design and Construction SPG (May 2006)

Mayor of London: Housing SPG (November 2005)
Mayor of London: Draft Housing SPG (December 2011)
Mayor of London: Interim Housing SPG (April 2010)
Mayor of London: Land for Transport Functions SPG (March 2007)
Mayor of London: Planning for Equality and Diversity in London SPG (October 2007)
Mayor of London: Providing for Children and Young People's Play and Informal Recreation SPG (March 2008)
Mayor of London: Draft Affordable Housing SPG (November 2011)

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GParking, D1, D2, D3, D4, D5, D11, D12, D13, HC1, O1, O2, O3, O6, M5, M14, H5, H8, H16, H17, H18, H24, CS2, CS8, CS13, IMP1 and IMP2.

Barnet Local Plan

A Local Plan for Barnet, which will be made up of a suite of documents including a Core Strategy and Development Management Policies Development Plan Document (DPD), is at an advanced stage. The Core Strategy and Development Management Policies DPD were adopted by the Council on 11 September 2012. They are now subject to a 6 week period of legal challenge which ends on 30 October 2012. Very significant weight can be given to the policies within the documents, however until the end of this challenge period UDP Policies "saved" by the Secretary of State for Communities and Local Government in May 2009 remain.

Relevant Core Strategy Policies: CSNPPF, CS1, CS4, CS5, CS10, CS11, CS13, CS15.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM15, DM16, DM17

Barnet Supplementary Planning Documents:

Barnet SPD: Contributions to Health Facilities from Development (July 2009)
Barnet SPD: Contributions to Education from Development (February 2008)
Barnet SPD: Contributions to Library Services from Development (February 2008)
Barnet SPD: Sustainable Design and Construction (June 2007)
Barnet SPD: Affordable Housing (February 2007)
Barnet SPD: Planning Obligations (September 2006)

Mill Hill Conservation Area Character Appraisal Statement

Relevant Planning History:

H/00602/10 – Demolition of existing link structure between Holcombe House & MIL building – Planning permission granted 1 April 2010 subject to conditions.

H/00603/12 – Demolition of existing link structure between Holcombe House & MIL building – Conservation Area Consent granted 1 April 2010 subject to conditions.

H/00440/12 – Environmental Impact Assessment Screening Opinion (proposal to use Holcombe House as a single dwelling and conversion of MIL building to 15 residential units – Environmental Statement not required 8 March 2012.

Date of Site Notice: 24 May 2012

Consultations and Views Expressed:

Neighbours Consulted: 51
Neighbours Wishing To 2
Speak

Replies: 8

The objections and concerns raised can be summarised as follows:

- The proposed number of parking spaces would be inadequate for the number of units proposed within the MIL building. The occupiers will inevitably be 2 car families. There will be no place for visitors, delivery vehicles, etc. to park.
- Existing on-street parking and traffic problems caused by other uses and developments in the locality (particularly the Ellern Mede Care Home, Belmont Children's Farm & Cafe, and Mill Hill east developments) will be exacerbated. Parking will spill over into neighbouring roads e.g. Lawrence Gardens. The Ridgeway / Holcombe Hill has seen a dramatic increase in on street parking. Parking should be banned in this section of The Ridgeway. By allowing parking on one side of the road it would make The Ridgeway / Holcombe Hill a single lane highway and extremely dangerous at school drop off and pick up times. The extra volume of traffic in the street could lead to tragic consequences from accidents.
- There are many significant accidents involving cars in the locality each year. These often occur on two "blind" bends on Holcombe Hill.
- The area is surrounded by schools and children and this must be considered in pollution, air quality and safety issues.
- Conservation Area / Green Belt (policy) does not allow for such extensive development.
- External drainage pipes and overflows are currently painted black and this makes them very visible against the white of the building. The pipes on the north elevation should be finished in the same colour as the walls.

A number of the letters received indicate no objection to the conversion of Holcombe House into a single dwelling.

Responses from internal consultees

Traffic & Development - The existing vehicular access to Holcombe House would be retained with parking proposed on the forecourt. Vehicular access to the MIL building is currently via a dropped kerb arrangement on The Ridgeway. The access is through a gated archway which restricts visibility for vehicles exiting the site, however due to the nature of the bend in the road where the access is located it is considered that adequate visibility is provided. 20 parking spaces are currently provided within the MIL site. 18 car parking spaces are to be provided for the 15

units proposed with access via the existing gateway. Of the 18 spaces 3 will have electric charging points and a further 3 spaces will be passive to accord with London Plan requirements. 18 cycle parking spaces are to be provided.

The proposed parking arrangements are considered to be satisfactory and are in accordance with the Barnet UDP and emerging Local Plan. Conditions and informatives are suggested if planning permission is granted.

Responses from external consultees

Environment Agency - are satisfied that flood risk has been adequately addressed, due to the small scale of the development, which mainly involves internal works to the existing building, and that impermeable surfaces will be reduced.

English Heritage - authorise the Local Planning Authority to determine the concurrent application for Listed Building Consent "as seen fit" (in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice). This authorisation has been endorsed by the Secretary of State.

Transport for London - the proposed 18 parking spaces be reduced to 16 to be in line with London Plan policy 6.13 where less than 1 car parking space should be provided per 1-2 bed unit and 1-1.5 spaces per 3 bed unit. Included in the total number of parking spaces 20% should be active provision for electric vehicles and a further 20% passive provision. Adequate parking for blue badge holders is also required. At least two bays should be designated. The proposed 18 cycle parking spaces accord with the minimum standards set out in TfL's cycle parking guidelines. The cycle parking should be located in an accessible, convenient, secure and sheltered area. The pedestrian access to the site is acceptable. It is suggested that there is discussion with the developer to consider whether any improvements are required to pedestrian access between the site and the adjacent Belmont School. Any impact on the bus network will be negligible. TfL are satisfied that the proposed development is unlikely to impede vehicle movements on the Transport for London Road Network.

Greater London Authority - The application was considered on 23 August 2012 and a stage 1 response was issued to the Council. The Deputy Mayor commented that on balance the application does not comply with the London Plan, however possible remedies could address "deficiencies" identified, which related to the following;

- Housing - provision of an independent assessment of the applicant's Affordable Housing Viability Assessment
- Climate change - the applicant should commit to achieving any savings in regulated carbon dioxide emissions from energy efficiency alone compared to a 2010 Building Regulations compliant development, the applicant should commit to ensuring development is designed to allow future connection to a district heating network should one become available and that all apartments and non-domestic building uses should be connected to a site heat network.
- Inclusive design - alternative landscaping should be considered to provide a ramp to the entrance to the units within the gym building instead of a platform lift.

- Transport - the proposed parking provision should be reduced to a maximum of 16 spaces, the applicant and the Council should discuss whether improvements are required to pedestrian access between the site and Belmont School, and a travel plan is encouraged.

Note: The applicant has responded to the above. The matters are referred to in the body of this report and form part of the assessment of the application. If the Local Planning Authority resolve to grant planning permission the Mayor for London must be consulted again to decide whether to allow the draft decision to proceed unchanged or direct the Council to refuse the application.

2. PLANNING APPRAISAL

The site and history

The site, which has an area of approximately 1.54 hectares, contains a number of buildings, all of which lie close to The Ridgeway at the high point of the site, which descends westwards through landscaped gardens and woodland to the base of the site which is bounded by Lawrence Street. To the south the site adjoins the Mill Field public open space.

There are two main buildings, Holcombe House and the MIL (Missionaries Institute London) building, each served by their own access from The Ridgeway.

Over the 17th and 18th centuries the manorial holdings along The Ridgeway were developed with large country houses. Holcombe House, which was completed in 1778, was one such property. During the 19th century many of the family estates were acquired by religious and educational institutions. The shift from private house to educational institution resulted in the construction of a variety of buildings around and attached to Holcombe House, however it has been retained as an obviously domestic villa property and the interiors survive, even though they have undergone various alterations that have reduced their interest.

The MIL building (completed in 1896) was constructed from the outset for institutional purposes. It has been the subject of various alterations.

From 1904 Holcombe House and the MIL building became a single senior boarding and day school, known as St Mary's Abbey School.

The Gym building (completed in 1983) and the Link building (completed in 1988) remain as their primary construction intended.

Holcombe House, which was constructed between 1775-8 to the designs and direction of the architect John Johnson, is a Grade II* listed building. It is a two storey stuccoed building, rectangular in shape, with basement and rooms in the roof space. Until the 1870's Holcombe House was used as a private dwelling. It was then acquired by the Franciscan Sisters from Hackney and became a convent and school. When the site passed to the Missionary Institute of London in 1977 Holcombe House operated as the residential and administrative centre for the Mill Hill Missionaries.

The MIL building was constructed to the south of Holcombe House in 1896 to house the two schools initially set up and run by the Franciscan Sisters. It is a three storey red brick building of a “Tudoresque” style, with a “C” shaped plan, forming a courtyard to the south. It is also a listed building as a result of its connection to Holcombe House. The building originally contained dormitory accommodation on the upper floors with teaching space below. When the building passed to the Missionary Institute of London in 1977 the Mill Hill Missionaries used the building, together with Holcombe House for training purposes.

The Gym building, which incorporated a raised hall, with offices and teaching spaces on the lower floor, was opened in 1983.

The Link building between Holcombe House and the MIL building contains mainly circulation areas and WC’s. It was built in 1988 after the demolition of the earlier Victorian link between the two buildings.

Parking spaces for 20 cars were available adjacent to the MIL building with further space for parking to the front of Holcombe House.

The grounds contain a number of trees, together with two tennis courts and a cemetery with a mausoleum. The cemetery is located on the south western boundary and can be accessed from St Mary’s which lies immediately to the north west of Holcombe House. To the front of Holcombe House are two Horse Chestnuts. The garden behind the buildings is an original planned landscape but it has undergone random changes and new planting.

Holcombe House and the MIL building have been vacant (apart from some recent temporary occupation) since their sale at the end of 2007. Their former use was considered to fall within the C2 Use Class (Residential Institutions)

The site lies within the Mill Hill Conservation Area and is also within an area designated as Green Belt.

The proposal

The application seeks permission to comprehensively redevelop the Holcombe House / MIL site. Holcombe House will be renovated and refurbished to provide a large single dwelling and the MIL buildings will be altered and converted to provide 15 flats (12 x two bedroom units, 3 x three bedroom units). An existing link structure between Holcombe House and the MIL building is to be demolished. Whilst this is the subject of a separate application for Listed Building Consent, the demolition has been granted previously under application references H/00602/10 & H/00603/10. The existing glazed corridor link between the main MIL building and the former gym will be replaced by a new link of a reduced size, and a toilet block on the garden elevation of the MIL building and an external staircase on the south elevation of the gym building will be removed.

The original plan form of Holcombe House and its principal features remain largely intact and the return to its original use as a dwelling requires few alterations. The works will involve;

- reinstatement of basement light wells to the front of the building within historic openings,
- insertion of new bathroom/wc facilities within the basement,
- repair and restoration of decorative features where necessary,
- removal of kitchen features and fixtures and replacement, respecting historic features such as fireplaces,
- removal of inserted services such as small personal sinks within rooms,
- repairs and conservation of surviving historic windows and shutters and replacement of uPVC units with timber windows.

The conversion of the 1983 "gym" building into 6 flats will involve;

- the subdivision of the building into three floors, with 2 flats on each floor, subdivision on an north / south axis, with a central access and lift shaft to the eastern side,
- the re-fenestration of the building to reflect the new floor levels,
- removal of the non structural vertical piers on the exterior to provide a flatter elevation.

The conversion of the MIL building into 9 units will involve;

- the subdivision of the large rooms on all levels to create smaller bedrooms, living rooms and bathrooms,
- the insertion of kitchen and bathroom facilities, and associated drainage,
- upgrading of heating systems, insulation and windows, drylining of walls, provision of secondary glazing,
- insertion of two communal lifts,
- new entrance doors within window opening, creation of an entrance lobby,
- lowering of windows to provide a more domestic fenestration from the interiors. Windows facing towards The Ridgeway and Holcombe House will not be changed. Mullions and transoms will be in stone to match the original and all windows will be in leaded casements. All surrounds will be made good in matching brick.

All of the units in the MIL building will be designed to Lifetime Homes Standards, and two of the units will be designed to be adaptable to provide wheelchair access.

Holcombe House could not be designed to Lifetime Homes Standard due to its Listed status.

The dwellings within the MIL buildings would be generously proportioned 2 or 3 bedroomed units. The Holcombe House conversion would provide a substantial dwelling comprising potentially 10 bedrooms. The size of all the units meets London Plan minimum space standards and overall the development would provide suitable accommodation for future occupiers, in a safe and secure residential environment.

18 parking spaces utilising the existing vehicular access from The Ridgeway are proposed to serve the flats within the MIL buildings. Two of these will be designed for disabled persons use. Of the 18 spaces 3 will have electric charging points and a further 3 will be passive electric spaces to accord with London Plan requirements. 18

cycle parking spaces will also be provided. Parking space for at least two cars will be provided for the dwelling at Holcombe House within a remodelled forecourt.

An extensive private rear garden (4,962 sq. m.) would be provided for Holcombe House and a large communal amenity area (7,445 sq. m.) for the occupiers of the MIL units.

Trees

An Arboricultural Report, which includes a tree impact assessment and tree protection method statement, has been submitted with the application. The report proposes a tree management plan relating to work being undertaken before and after construction. Prior to construction trees will be pruned to allow access. Following construction, trees will be re-inspected in order to assess whether remedial work is necessary. In conclusion the report states that the proposals do not require any tree removal and retained trees can be protected by appropriate construction methods.

Ecology

An Ecology Assessment, which accompanies the application, notes the following;

- There are no non-statutory designated sites of nature conservation within the application site,
- Whilst habitats within the site hold some ecological value, the development proposals will be limited to the existing development footprint and as such no habitats will be lost as a result of the proposals,
- There are opportunities to provide enhancements to habitats within the site,
- Bats surveys have indicated that none of the buildings present within the site offer opportunities for roosting bats. There are a number of trees within the site that have the potential for roosting bats and these trees will be safeguarded. In addition bat boxes will be located on suitable trees in order to promote roosting opportunities,
- There are opportunities for nesting birds in the woodland, trees and shrubs within the site. In order to promote nesting, bird boxes are proposed.

Green Belt

The application site is wholly within the Green Belt. 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.

As with previous Green Belt policy, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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, is clearly outweighed by other considerations.

The construction of new buildings should be regarded as inappropriate in Green Belt. Exceptions to this include 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. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.

The proposals involve the re-use of existing permanent buildings of substantial construction. Additional built development is not proposed, and as a result of proposed demolition there would be a reduction in built volume across the site. The removal of the link between Holcombe House and the MIL building will leave them detached from one another. The applicant has confirmed that no domestic paraphernalia will be introduced into the grounds which may negatively impact upon the openness of the Green Belt. A hedge is proposed to separate the gardens of Holcombe House and the MIL site. It is considered that the proposals would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it. The development would not be inappropriate.

The character and appearance of the Listed Building / Conservation Area

Holcombe House is a two storey stuccoed building, square in plan, made up of basement, ground, first and second floors. A later service wing is positioned to the south of the main building.

Despite its institutional use in recent times, the plan form of Holcombe House remains much as was originally designed, as do most of the principal internal features of interest, including a grand staircase, period fire surrounds, moulded plaster work walls and ceilings and painted mural panels. The Design and Access Statement details the specific proposals for the restoration of the house on a floor by floor basis and a Heritage Statement analyses the different historic elements of the building and identifies the key features of significance, set out by floor and indicated as either, high, moderate and lower.

It is proposed to reinstate the basement lights on the front elevation and this will involve inserting new iron grilles to cover the two lightwells. The existing UPVC basement windows on the front elevation are to be replaced by timber windows, which should match the detailing of the historic sash windows on the floors above. The front forecourt is proposed to be re-landscaped in a style similar to that of Woolverstone Hall in Suffolk, also designed by John Johnson. In the rear garden, the tennis court will be restored and otherwise the gardens will be brought back to their former condition. Only minor alterations are proposed to the interior of Holcombe House, mostly involving the removal of non-original partitions and kitchen/bathroom fittings, which will help restore the original plan.

A historic features gazeteer is to be prepared by the applicant and this will provide an inventory of all features considered to be of historic interest in the building and which are proposed to be retained in-situ, including, doors, fire surrounds, window shutters, panelling, staircases, etc.

In summary, the proposed works are considered to be beneficial to the heritage asset's conservation and no objection is raised to the conversion of this important grade II* listed building into its former use as a single family dwelling (10 bedrooms), subject to conditions requiring further information if permission / consent is granted.

The MIL building dates from 1896. Although considered to be listed by virtue of its annexation to Holcombe House, it is of less historic and architectural significance. The gym is a modern structure of little architectural merit, although it is intended to make alterations to the exterior in an attempt to improve its appearance.

It is proposed to convert the MIL building into 9 self-contained residential apartments, with 3 large units on each floor. A number of unattractive external features are proposed to be removed, including a glazed corridor link, a toilet block and an external fire escape staircase to the gym. The removal of these features is welcomed.

Other proposed alterations include, the subdivision of large rooms to create bedrooms and living spaces. The insertion of two communal lifts will allow access between the floors. A number of windows looking west and into the courtyard will have their high level sills lowered to provide improved light and views. Details of the window alterations should be required by condition if permission / consent is granted.

The gym will be retained and converted into 3 equal floors providing 6 units. The fenestration will be re-ordered with new windows inserted to provide a better relationship to the MIL building and a new roof covering will match the natural slate roof of its neighbour. The detailing of the new gym windows and their surrounds to match those of the MIL building will be very important. Details should be supplied by condition. A new, smaller orangery will replace the existing structure although further details should be provided by condition.

The hard surfacing to the rear of the gym will be returned to grass and will thus improve its garden setting. The existing car park is proposed to be re-landscaped and will provide 18 spaces with a new bound gravel surface.

Revisions have been made to the originally submitted proposals, including, redesigning of the orangery, the retention of two original staircases with their glazed brick dado's, and the original panelled internal doors and 'gothic' church doors. Also, obscure glazing provided to windows overlooking the forecourt of Holcombe House.

In summary, no objection is raised to the proposed conversion of the MIL building into 9 units of residential accommodation as the scheme is considered to be respectful of the building's significance, including its setting and features of interest. The appearance of the former gym will also be improved by proposed external changes to allow its conversion into 6 residential units. The character and appearance of the Mill Hill Conservation Area and the setting of Holcombe House will thus not be harmed as a result of this proposal.

The link between Holcombe House and the MIL building, which to be demolished, is two storey's in part. It is a utilitarian structure containing wc's on both floors, two concrete staircases and a lobby area. The link is plainly detailed and not considered

to be of sufficient historic or architectural interest to warrant retention. A single door opening on the southern side of Holcombe House is proposed to be infilled and part of the northern wall on the ground floor of the MIL building will be rebuilt following the demolition. A single door opening on the north side of the MIL building will also be infilled. It will be necessary to ensure that the various infills and rebuilding of the wall are carried out in materials to match the existing

Inclusive design

All of the units in the MIL building will be designed to Lifetime Homes Standards, and two of the units (No's 2 & 3) will be designed to be wheelchair accessible. Two of the 18 parking spaces within the MIL site will be designed for disabled persons use.

Two platform lifts are proposed due to level changes across the MIL site. The difference in height between the ground level and the entrance to the flats proposed in the former gym building is 1.5m and in order to comply with Building Regulations a ramp (1:20) would need to be 30m long. This would present a significant incursion into the proposed parking / landscaped area to the north-east side of the building and the platform lifts are considered to be an appropriate solution.

Sustainability / Energy

Sustainability initiatives within the scheme are set out in a Sustainability Statement submitted with the application. Sustainability measures for Holcombe House and the MIL building will be subject to the constraints of the listed building but will potentially include:

- Improving the existing thermal envelope and air tightness,
- Improving existing windows and doors, refurbishing and draught proofing the elements of historic interest and importance,
- Improving the insulation to the roofs,
- At least a 10% reduction in carbon emissions from the total energy demand of the site by on site renewable energy,
- Low energy lighting, internally and externally,
- Efficient water fixtures to reduce water consumption,
- Low environmental impact of materials
- Cycle provision,
- Waste and recycling provision,
- Enhancing biodiversity.

Energy efficient measures are set out in an Energy Statement also submitted. It is recommended that high efficiency gas boilers are installed in the MIL building and a biomass system in Holcombe House. These measures will reduce CO² emissions.

In response to the GLA report the applicant has provided the requested SAP 2009 calculations. Consultants acting for the applicant conclude that with the introduction of high efficiency boilers in the MIL building, and a biomass system in Holcombe House it can be demonstrated that a reduction in emissions far below that required by Part L of the 2010 Building Regulations can be achieved.

With regard to district heating there are no such systems currently existing or proposed in the near future within the locality. Therefore it is unlikely that there will be an opportunity to connect to a district heating network in the future. The introduction of a communal system, which would require large scale pipework / flues, would disturb the historic fabric of the building. It is recommended that high efficiency individual gas boilers are provided.

Parking and highway issues

The proposed car parking spaces would be located in a similar position to existing spaces and accessed via existing arrangements. The number of spaces within the MIL site would be 2 less than exist at present. The proposed car and cycle spaces are considered to be satisfactory and the number would accord with the Barnet UDP and emerging Local Plan. Whilst visibility for drivers exiting the MIL site would be restricted by the existing building the nature of the bend in the road where the access / exit is located provides an adequate visibility splay.

The GLA / TfL have indicated that the number of car spaces within the MIL site should be reduced to 16 spaces. Taking into account that the PTAL (Public Transport Accessibility Level) for the site is low (1b) any reduction in the parking provision is likely to have an adverse impact on roads in the vicinity and a reduction in the number of spaces is not supported at officer level.

With regard to the pedestrian access between the site and Belmont School (GLA / TfL suggested discussion with the applicant to seek improvements) it is considered that the likelihood of any children occupying the residential units proposed attending the school is low and that justification could therefore not be made for improvements funded by the developer.

Although the scale of the development does not require submission of a travel plan (the TfL document *Travel Planning for New Development in London* sets a threshold of 50 units for requirement of a travel plan) the developer is encouraged to consider implementing one, and an appropriate informative is suggested.

3. COMMENTS ON GROUNDS OF OBJECTION

Largely addressed within the appraisal.

As the number of parking spaces would accord with the Council's car parking standards for the proposed development it is considered that it would be unreasonable to withhold the permission sought for a reason relating to existing parking and traffic concerns in the locality. The concerns have been forwarded to the Council's Parking Design Team for investigation.

External pipe work on the north elevation of Holcombe House is currently painted black. This is considered to be an appropriate colour and a requirement, of any permission granted, that the pipes are painted white would be unreasonable.

4. EQUALITIES 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:

- (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, sexual orientation.

It is considered that the proposals do not conflict with either Barnet Council’s Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. SECTION 106 MATTERS

The NPPF sets out the principles for planning obligations and the tests which Local Planning Authority's should adhere to when seeking planning obligations. Paragraph 204 of the NPPF states that obligations should only be sought when they meet the following tests;

Necessary to make the development acceptable in planning terms,

Directly related to the development, and

Fairly and reasonably related in scale and kind to the development.

To accord with the Council's adopted policies and Supplementary Planning Documents the following contributions are required to be secured through a legal agreement with the developer:

- Education- £67,254
- Libraries: £1,813
- Health: £16,128
- Monitoring: £2,982

Affordable housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11
- affordable housing targets adopted in line with Policy 3.11,
- the need to encourage rather than restrain residential development (Policy 3.3),
 - a. the need to promote mixed and balanced communities (Policy 3.9)
 - b. the size and type of affordable housing needed in particular locations
 - c. the specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

In Barnet, the high cost of owner occupation and private sector rented accommodation means that many households on low to middle incomes find it difficult to afford homes in the private market. The council is committed to ensuring that people's housing needs in the borough are met. As such it is a requirement that affordable housing is provided in line with the adopted planning policies and the SPD - Affordable Housing. Emerging Local Plan Policy DM10 states; Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

The applicant has submitted an Affordable Housing Viability Assessment and this has been independently reviewed. The review concludes that the development cannot viably provide any on site affordable housing in the current market. Nevertheless it highlights inconsistencies in the available comparable evidence with some indication that substantially higher values might be expected. Therefore if a nil affordable housing scheme is permitted it is considered that it would be reasonable and appropriate for a S106 planning obligation to include a review mechanism which will allow for deferred affordable housing contributions to be provided in the event that the sales values that are actually achieved are sufficiently higher than those adopted within the review to render the development economically viable.

6. CONCLUSION

The proposed development is considered acceptable for this sensitive site, which includes a Grade II* Listed Building, within the Mill Hill Conservation Area and Green Belt.

The proposal would enable the preservation of the important historic building without harm to its character and appearance, and the character and appearance of the Conservation Area would not be harmed.

The development would accord with adopted planning policies and supplementary planning documents. Adequate off-street provision has been made for car parking to serve the flats proposed within the MIL site.

It is recommended that permission be granted subject to appropriate conditions and a Section 106 planning obligation.

SITE LOCATION PLAN: Holcombe House and MIL Building, The Ridgeway, London, NW7 4HY

REFERENCE: H/01744/12



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LOCATION: Holcombe House, The Ridgeway, London, NW7 4HY

REFERENCE: H/01745/12

Received: 23 April 2012

Accepted: 23 April 2012

WARD(S): Mill Hill

Expiry: 18 June 2012

AGENDA ITEM 13

Final Revisions:

APPLICANT: Quinn Developments Ltd

PROPOSAL: Change of use and refurbishment of Holcombe House to provide a single family dwelling house together with the conversion of the MIL Building into 15 self-contained residential units, including removal of the link structure between the buildings, associated alterations, car-parking and landscaping. (LISTED BUILDING CONSENT)

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PL-200 Rev B; PL-201 Rev B; PL-202 Rev B; PL-203 Rev A; PL- 204 Rev A; PL-205 Rev B; PL-206 Rev A; PL-210 Rev A; PL-211 Rev B; PL-212 Rev B; PL-213 Rev B; PL-214 Rev B; PL-215 Rev B; PL-216 Rev B; PL-217 Rev A; PL-218 Rev A; PL-219 Rev B.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. Before the development hereby permitted is commenced a gazetteer identifying historic features of interest of Holcombe House shall be submitted to the Local Planning Authority.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

4. Before the development of Holcombe House hereby permitted is commenced details of the following shall be submitted to and approved in writing by the Local Planning Authority;
Any replacement timber windows at a scale of 1:10, including sections, with 1:1 glazing bar details,

Iron grilles to the reinstated basement lightwells,
Any replacement internal doors at a scale of 1:10,
Boundary treatment, including gates / railings / walls / fences,
Any kitchen, bathroom or sauna air vents / terminals or other flues,
Refuse and recycling storage enclosures.

The development shall be implemented in accordance with the details approved.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

5. Before the development of the MIL buildings hereby permitted is commenced details of the following shall be submitted to and approved in writing by the Local Planning Authority;

New communal conservatory,
New entrance doors and windows / window surrounds,
New entrance door canopies,
Any kitchen and bathroom air vents / terminals and boiler flues,
Conservation rooflights,
New internal or external doors at a scale of 1:10,
Boundary treatment, including gates / railings / walls / fences,
Disabled persons platform lift.

The development shall be implemented in accordance with the details approved.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

6. Before the development hereby permitted commences, samples of the materials to be used for the external surfaces of the building(s), including new brickwork, new natural slate to the former gym building, and hard surfaced areas, and samples of the new windows (to the MIL building), 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:

In order to safeguard the special architectural or historic interest of the Listed Building.

7. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown

otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building.

8. Before the development hereby permitted commences on site details of all extraction and ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

1. The reasons for this grant of Listed Building Consent or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GWaste, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, O1, O2, O3, O6, O17, M1, M7,

M14, H5, H8, H16, H17, H18, H20, H24, CS2, CS8, CS13, IMP1 and IMP2.

Barnet SPD: Contributions to Health Facilities from Development (July 2009)

Barnet SPD: Contributions to Education from Development (February 2008)

Barnet SPD: Contributions to Library Services from Development (February 2008)

Barnet SPD: Sustainable Design and Construction (June 2007)

Barnet SPD: Affordable Housing (February 2007)

Barnet SPD: Planning Obligations (Section 106) (September 2006)

Mill Hill Conservation Area Character Appraisal Statement

Local Plan Core Strategy: CS4, CS5, CS7, CS11, CS13, CS15.

Local Plan Development Management Policies: DM01, DM02,

DM03, DM04, DM06, DM08, DM10, DM15, DM16, DM17

ii) The proposal is acceptable for the following reason(s): - The proposed development would not detract from the openness of the Green Belt and would not harm the character and appearance of the Mill Hill Conservation

Area. It would repair a listed building and would provide suitable accommodation for future residents. There would be no undue impacts on the amenities of the neighbouring occupiers and the proposal complies with all relevant council policy and design guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Policy 5.3 Sustainable Design and Construction

Policy 5.7 Renewable Energy

Policy 7.2 An Inclusive Environment

Policy 7.4 Local Character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets and Archaeology

Policy 7.16 Green Belt

Policy 7.21 Trees and Woodland

Strategic Supplementary Planning Guidance (SPG):

Mayor of London: Accessible London - Achieving an Inclusive Environment SPG (April 2004)

Mayor of London: Sustainable Design and Construction SPG (May 2006)

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, HC1 .

Barnet Local Plan

A Local Plan for Barnet, which will be made up of a suite of documents including a Core Strategy and Development Management Policies Development Plan Document (DPD), is at an advanced stage. The Core Strategy and Development Management Policies DPD were adopted by the Council on 11 September 2012. They are now subject to a 6 week period of legal challenge which ends on 30 October 2012. Very significant weight can be given to the policies within the documents, however until the end of this challenge period UDP Policies "saved" by the Secretary of State for Communities and Local Government in May 2009 remain.

Relevant Core Strategy Policies: CSNPPF, CS5.

Relevant Development Management Policies: DM01, DM06.

Barnet Supplementary Planning Documents:

Barnet SPD: Sustainable Design and Construction (June 2007)

Mill Hill Conservation Area Character Appraisal Statement

Relevant Planning History:

H/00602/10 – Demolition of existing link structure between Holcombe House & MIL building – Planning permission granted 1 April 2010 subject to conditions.

H/00603/12 – Demolition of existing link structure between Holcombe House & MIL building – Conservation Area Consent granted 1 April 2010 subject to conditions.

H/00440/12 – Environmental Impact Assessment Screening Opinion (proposal to use Holcombe House as a single dwelling and conversion of MIL building to 15 residential units – Environmental Statement not required 8 March 2012.

Date of Site Notice: 24 May 2012

Views Expressed:

The concerns raised can be summarised as follows:

- External drainage pipes and overflows are currently painted black and this makes them very visible against the white of the building. The pipes on the north elevation should be finished in the same colour as the walls.

Responses from external consultees

English Heritage - authorise the Local Planning Authority to determine the application for Listed Building Consent "as seen fit" (in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice). This authorisation has been endorsed by the Secretary of State.

2. PLANNING APPRAISAL

The site and history

The site, which has an area of approximately 1.54 hectares, contains a number of buildings, all of which lie close to The Ridgeway at the high point of the site, which descends westwards through landscaped gardens and woodland to the base of the site which is bounded by Lawrence Street. To the south the site adjoins the Mill Field public open space.

There are two main buildings, Holcombe House and the MIL (Missionaries Institute London) building, each served by their own access from The Ridgeway.

Over the 17th and 18th centuries the manorial holdings along The Ridgeway were developed with large country houses. Holcombe House, which was completed in 1778, was one such property. During the 19th century many of the family estates were acquired by religious and educational institutions. The shift from private house to educational institution resulted in the construction of a variety of buildings around and attached to Holcombe House, however it has been retained as an obviously

domestic villa property and the interiors survive, even though they have undergone various alterations that have reduced their interest.

The MIL building (completed in 1896) was constructed from the outset for institutional purposes. It has been the subject of various alterations.

From 1904 Holcombe House and the MIL building became a single senior boarding and day school, known as St Mary's Abbey School.

The Gym building (completed in 1983) and the Link building (completed in 1988) remain as their primary construction intended.

Holcombe House, which was constructed between 1775-8 to the designs and direction of the architect John Johnson, is a Grade II* listed building. It is a two storey stuccoed building, rectangular in shape, with basement and rooms in the roof space. Until the 1870's Holcombe House was used as a private dwelling. It was then acquired by the Franciscan Sisters from Hackney and became a convent and school. When the site passed to the Missionary Institute of London in 1977 Holcombe House operated as the residential and administrative centre for the Mill Hill Missionaries.

The MIL building was constructed to the south of Holcombe House in 1896 to house the two schools initially set up and run by the Franciscan Sisters. It is a three storey red brick building of a "Tudoresque" style, with a "C" shaped plan, forming a courtyard to the south. It is also a listed building as a result of its connection to Holcombe House. The building originally contained dormitory accommodation on the upper floors with teaching space below. When the building passed to the Missionary Institute of London in 1977 the Mill Hill Missionaries used the building, together with Holcombe House for training purposes.

The Gym building, which incorporated a raised hall, with offices and teaching spaces on the lower floor, was opened in 1983.

The Link building between Holcombe House and the MIL building contains mainly circulation areas and WC's. It was built in 1988 after the demolition of the earlier Victorian link between the two buildings.

Parking spaces for 20 cars were available adjacent to the MIL building with further space for parking to the front of Holcombe House.

The grounds contain a number of trees, together with two tennis courts and a cemetery with a mausoleum. The cemetery is located on the south western boundary and can be accessed from St Mary's which lies immediately to the north west of Holcombe House. To the front of Holcombe House are two Horse Chestnuts. The garden behind the buildings is an original planned landscape but it has undergone random changes and new planting.

Holcombe House and the MIL building have been vacant (apart from some recent temporary occupation) since their sale at the end of 2007. Their former use was considered to fall within the C2 Use Class (Residential Institutions)

The site lies within the Mill Hill Conservation Area and is also within an area designated as Green Belt.

The proposal

The application seeks Listed Building Consent to comprehensively redevelop the Holcombe House / MIL site. Holcombe House will be renovated and refurbished to provide a large single dwelling and the MIL buildings will be altered and converted to provide 15 flats (12 x two bedroom units, 3 x three bedroom units). An existing link structure between Holcombe House and the MIL building is to be demolished. Whilst this is the subject of a separate application for Listed Building Consent, the demolition has been granted previously under application references H/00602/10 & H/00603/10. The existing glazed corridor link between the main MIL building and the former gym will be replaced by a new link of a reduced size, and a toilet block on the garden elevation of the MIL building and an external staircase on the south elevation of the gym building will be removed.

The original plan form of Holcombe House and its principal features remain largely intact and the return to its original use as a dwelling requires few alterations. The works will involve;

- reinstatement of basement light wells to the front of the building within historic openings,
- insertion of new bathroom/wc facilities within the basement,
- repair and restoration of decorative features where necessary,
- removal of kitchen features and fixtures and replacement, respecting historic features such as fireplaces,
- removal of inserted services such as small personal sinks within rooms,
- repairs and conservation of surviving historic windows and shutters and replacement of uPVC units with timber windows.

The conversion of the 1983 "gym" building into 6 flats will involve;

- the subdivision of the building into three floors, with 2 flats on each floor, subdivision on a north / south axis, with a central access and lift shaft to the eastern side,
- the re-fenestration of the building to reflect the new floor levels,
- removal of the non structural vertical piers on the exterior to provide a flatter elevation.

The conversion of the MIL building into 9 units will involve;

- the subdivision of the large rooms on all levels to create smaller bedrooms, living rooms and bathrooms,
- the insertion of kitchen and bathroom facilities, and associated drainage,
- upgrading of heating systems, insulation and windows, drylining of walls, provision of secondary glazing,
- insertion of two communal lifts,
- new entrance doors within window opening, creation of an entrance lobby,
- lowering of windows to provide a more domestic fenestration from the interiors. Windows facing towards The Ridgeway and Holcombe House will not be changed. Mullions and transoms will be in stone to match the original and all

windows will be in leaded casements. All surrounds will be made good in matching brick.

All of the units in the MIL building will be designed to Lifetime Homes Standards, and two of the units will be designed to be adaptable to provide wheelchair access.

Holcombe House could not be designed to Lifetime Homes Standard due to its Listed status.

The dwellings within the MIL buildings would be generously proportioned 2 or 3 bedroomed units. The Holcombe House conversion would provide a substantial dwelling comprising potentially 10 bedrooms.

The character and appearance of the Listed Building

Holcombe House is a two storey stuccoed building, square in plan, made up of basement, ground, first and second floors. A later service wing is positioned to the south of the main building.

Despite its institutional use in recent times, the plan form of Holcombe House remains much as was originally designed, as do most of the principal internal features of interest, including a grand staircase, period fire surrounds, moulded plaster work walls and ceilings and painted mural panels. The Design and Access Statement details the specific proposals for the restoration of the house on a floor by floor basis and a Heritage Statement analyses the different historic elements of the building and identifies the key features of significance, set out by floor and indicated as either, high, moderate and lower.

It is proposed to reinstate the basement lights on the front elevation and this will involve inserting new iron grilles to cover the two lightwells. The existing UPVC basement windows on the front elevation are to be replaced by timber windows, which should match the detailing of the historic sash windows on the floors above. The front forecourt is proposed to be re-landscaped in a style similar to that of Woolverstone Hall in Suffolk, also designed by John Johnson. In the rear garden, the tennis court will be restored and otherwise the gardens will be brought back to their former condition. Only minor alterations are proposed to the interior of Holcombe House, mostly involving the removal of non-original partitions and kitchen/bathroom fittings, which will help restore the original plan.

A historic features gazeteer is to be prepared by the applicant and this will provide an inventory of all features considered to be of historic interest in the building and which are proposed to be retained in-situ, including, doors, fire surrounds, window shutters, panelling, staircases, etc.

In summary, the proposed works are considered to be beneficial to the heritage asset's conservation and no objection is raised to the conversion of this important grade II* listed building into its former use as a single family dwelling (10 bedrooms), subject to conditions requiring further information if permission / consent is granted.

The MIL building dates from 1896. Although considered to be listed by virtue of its annexation to Holcombe House, it is of less historic and architectural significance. The gym is a modern structure of little architectural merit, although it is intended to make alterations to the exterior in an attempt to improve its appearance.

It is proposed to convert the MIL building into 9 self-contained residential apartments, with 3 large units on each floor. A number of unattractive external features are proposed to be removed, including a glazed corridor link, a toilet block and an external fire escape staircase to the gym. The removal of these features is welcomed.

Other proposed alterations include, the subdivision of large rooms to create bedrooms and living spaces. The insertion of two communal lifts will allow access between the floors. A number of windows looking west and into the courtyard will have their high level cills lowered to provide improved light and views. Details of the window alterations should be required by condition if permission / consent is granted.

The gym will be retained and converted into 3 equal floors providing 6 units. The fenestration will be re-ordered with new windows inserted to provide a better relationship to the MIL building and a new roof covering will match the natural slate roof of its neighbour. The detailing of the new gym windows and their surrounds to match those of the MIL building will be very important. Details should be supplied by condition. A new, smaller orangery will replace the existing structure although further details should be provided by condition.

The hard surfacing to the rear of the gym will be returned to grass and will thus improve its garden setting. The existing car park is proposed to be re-landscaped and will provide 18 spaces with a new bound gravel surface.

Revisions have been made to the originally submitted proposals, including, redesigning of the orangery, the retention of two original staircases with their glazed brick dado's, and the original panelled internal doors and 'gothic' church doors. Also, obscure glazing provided to windows overlooking the forecourt of Holcombe House.

In summary, no objection is raised to the proposed conversion of the MIL building into 9 units of residential accommodation as the scheme is considered to be respectful of the building's significance, including its setting and features of interest. The appearance of the former gym will also be improved by proposed external changes to allow its conversion into 6 residential units. The setting of Holcombe House will thus not be harmed as a result of this proposal.

The link between Holcombe House and the MIL building, which to be demolished, is two storey's in part. It is a utilitarian structure containing wc's on both floors, two concrete staircases and a lobby area. The link is plainly detailed and not considered to be of sufficient historic or architectural interest to warrant retention. A single door opening on the southern side of Holcombe House is proposed to be infilled and part of the northern wall on the ground floor of the MIL building will be rebuilt following the demolition. A single door opening on the north side of the MIL building will also be infilled. It will be necessary to ensure that the various infills and rebuilding of the wall are carried out in materials to match the existing

Inclusive design

All of the units in the MIL building will be designed to Lifetime Homes Standards, and two of the units (No's 2 & 3) will be designed to be wheelchair accessible. Two of the 18 spaces within the MIL site will be designed for disabled persons use.

Two platform lifts are proposed due to level changes across the MIL site. The difference in height between the ground level and the entrance to the flats proposed in the former gym building is 1.5m and in order to comply with Building Regulations a ramp (1:20) would need to be 30m long. This would present a significant incursion into the proposed parking / landscaped area to the north-east side of the building and the platform lifts are considered to be an appropriate solution.

3. COMMENTS ON CONCERNS RAISED

External pipe work on the north elevation of Holcombe House is currently painted black. This is considered to be an appropriate colour and a requirement, of any consent granted, that the pipes are painted white would be unreasonable.

4. EQUALITIES 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:

- (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, sexual orientation.

It is considered that the proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposed development is considered acceptable for this sensitive site, which includes a Grade II* Listed Building, within the Mill Hill Conservation Area and Green Belt.

The proposal would enable the preservation of the important historic building without harm to it's character and appearance.

The development would accord with adopted planning polices. It is recommended that consent be granted subject to appropriate conditions.

SITE LOCATION PLAN: Holcombe House, The Ridgeway, London, NW7 4HY

REFERENCE: H/01745/12



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LOCATION: Stonegrove and Spur Road Estate, Edgware, HA8 8BT

REFERENCE: W13582E/07 and H/03635/11

AGENDA ITEM 14

Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facility, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking.

WARD(S): Edgware

APPLICANT: Barratt Evolution Ltd

PROPOSAL: Deed of variation to Section 106 agreement attached to planning permission W13582E/07 and H/03635/11 in respect of the planning obligations relating to the Community Centre and Church.

RECOMMENDATION:

Authorise the completion of all necessary legal and other documentation to enter into a Deed of Variation to the Section 106 Agreement attached to planning permission W13582E/07 and H/03635/11 in order to amend the trigger date for the deliver of the Community Centre and any associated amendments to the definitions for the New Community Centre and New Church and Ancillary Facilities.

1.1 Relevant Planning History

Application Ref.	Address	Description of Development	Decision and Date
W13582E/07	Stonegrove and Spur Road Estates, Edgware, London	Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facility, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking. Submission of Environmental Statement.	Approved 6th October 2008 after completion of a S106 agreement
H/02723/09	Zone 6, Stonegrove and Spur Road Estates, Edgware, London	Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 6 of the redevelopment of Stonegrove and Spur Road Estates comprising 98 residential units pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 19th October 2009
H/04521/09	Zone 5A, Stonegrove and Spur Road Estates, Edgware, London, HA8 8BT	Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 5A of the redevelopment of Stonegrove and Spur Road Estates comprising 67 residential units for private sale pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 18 th February 2010

H/00433/11	Development Phase 2 (comprising part of Character Zones 2 and 4), Stonegrove and Spur Road Estates, Edgware, HA8	Reserved matters application seeking approval for scale, external appearance and landscaping in relation to Development Phase 2 (comprising part of Character Zones 2 and 4) of the redevelopment of Stonegrove and Spur Road Estates, comprising 107 residential units, including 19 houses, pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 16th March 2011
H/03635/11	Stonegrove and Spur Road Estates, Edgware, London	Extension to the time limit for implementing Condition 3 of planning permission W13582E/07 dated 06/10/08 to allow submission of reserved matters to continue development in respect of 'Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facilities, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking.'	Approved 7 th December 2011 following deed of variation to the original section 106 agreement

1.2 Background

Outline planning permission was granted on 6 October 2008 for the regeneration of the Stonegrove and Spur Road Estate under reference W13582E/07. A renewal application was submitted in August 2011 under planning reference H/03653/11, to

renew the planning permission for a further 3 years. This was granted on the 7th December 2011.

The outline planning permission is subject to a section 106 legal agreement dated the 6th October 2008 which contains a number of obligations to mitigate the impacts of the development. A deed of variation to the original section 106 agreement was completed on the 1st April 2009 which amended some of the triggers within the section 106 agreement. A further deed of variation was signed on the 6th December 2011 to link the original section 106 to the renewed outline planning consent granted under ref H/03653/11.

Community Centre and Church

The outline planning permission includes the provision of a new community centre building positioned around the central public square within the masterplan. Condition 47 of the outline consent specifies a minimum gross external floorspace of 440sqm for the community centre.

The 'New Community Centre' is defined in the Section 106 agreement as follows:

the New Community Centre means a new permanent community centre with a Gross External Floor Area of at least 440m² provided to Occupation Finish Standard and furniture and fittings relevant to the particular use to which the occupier is to put the premises in a location to be approved by the Council pursuant to the reserved matters approval or detailed permission for the relevant Phase and at a cost to the Developer (including fees, expenses and value added tax) not exceeding (unless otherwise agreed by the Developer in its absolute discretion) in aggregate the sum of £1,865,606 BCIS index linked and provided in accordance with the provisions of Schedule E to this Agreement

Schedule E of the section 106 agreement (as amended by deed of variation dated 1st April 2009) requires the Developer to "construct the New Community Centre to Occupation Finish Standard so as to make it available for use before the date on which 407 Residential Units are in Occupation."

Church

St. Peters Church and parsonage occupies an area on the western side of the existing estate. This comprises a 1950s/60s community building which is also used for nursery facilities. The Church has a lease for the existing buildings which sit on Council land. The Church land is identified on the plan in **Appendix 1**. The outline planning permission includes the provision of a new church building around the central public square within the masterplan. This will enable the existing church building to be demolished and new housing provided on the land it currently occupies.

The 'New Church and Ancillary Facilities' is defined in the agreement as follows:

the New Church and Ancillary Facilities means a new permanent church and hall with a Gross External Floor Area of at least 400m² (including a nursery capable of accommodating 30 children) in the location approved by the Council under the reserved matters approval or detailed permission for the relevant phase (unless otherwise agreed by the Developer in its absolute discretion) and provided in accordance with the provisions of Schedule N to this Agreement

Schedule N of the section 106 agreement requires that “the Developer shall not take any steps in carrying out the Development which requires the Existing Church and Hall to cease its normal use until construction of the New Church and Ancillary Facilities have been completed.”

Clause 23 of the Principle Development Agreement (PDA) between the Council, Barratt and Family Mosaic requires Barratt and the Diocesan Board to enter into a Church Agreement in relation to the re-provision of the Church. Subject to Barratt constructing a new Church and vicarage, the Church will vacate the current building and terminate their lease enabling the land to be transferred for the regeneration.

Stonegrove & Spur Road Community Trust Steering Group

A Stonegrove & Spur Road Community Trust Steering Group (CTSG) has been set up. The CTSG is a delegated sub-group of the Stonegrove & Spur Road Partnership Board which acts as the overall consultative body for the regeneration programme at Stonegrove and Spur Road. The CTSG will be responsible for the development of the proposed community centre. Their role includes:

- Review and sign off of the project programme.
- Commission consultancy work to inform the project programme including viability and sustainability.
- Consultation with the community and stakeholders in relation to use, design and management of the Trust and Centre.
- Development of a management structure for the Community Trust and Community Centre.
- Providing a written and verbal report to the Partnership Board as agreed on the work undertaken by the CTSG in each period and recommendations for decision.

The CTSG is made up of representatives from the Partnership Board and the Stonegrove and Spur Road Community Association comprising elected residents from the estate, and regeneration partners including Family Mosaic, London Borough of Barnet, Barratt, London Academy, St Peter's Church, Independent Tenant Advisor, and Masterplan Architects (Sprunt).

1.3 Community Centre Review

The intention from the outset of the regeneration was for the new community centre within the development to be self sufficient in terms of covering its running costs. On this basis the design of the centre and its business model would rely on the centre having lettable space. Family Mosaic, the Housing Association partner responsible for the affordable homes on the development, is legally obliged through the PDA, to ensure that the Community Trust is set up and will be viable for the long term.

Within the outline masterplan for the Stonegrove regeneration the community centre is located opposite the new Church which would also have its own hall. This means that both facilities would be competing for similar business in terms of renting out hall space and facilities. Given the difficult economic climate, Family Mosaic and the Council were concerned about the future viability of the community centre. Rather than proceed with a proposal that was more than likely to run into financial trouble in the near future, Family Mosaic commissioned Micah Gold Consultants at the beginning of 2012 to undertake a feasibility review of the community centre and to investigate the options available.

The objects of the study were to:

- Review the current and future community centre provision in the surrounding area;
- Identify potential uses and occupants of the proposed community Centre at Stonegrove;
- Review if the masterplan design caters for the needs and aspirations of the local community and potential occupants of the centre; and
- Carry out an options appraisal of the available management options

The study was informed by residents and other stakeholders. The findings were published in Micah Gold Feasibility Study dated 12th April 2012.

Whilst originally it was envisaged that the community centre and Church would be separate buildings, following the findings of the feasibility review and through lengthy consultation with residents and the Church, a strong desire was expressed for a combined facility that retained separate identities and areas within the combined facility. The findings of the Micah Gold report were presented to the CTSG on the 19th April 2012 and at that meeting it was agreed that the two facilities would be provided in a joint building. This was further agreed at the Open Partnership Board meeting on the 30th April 2012.

The Community Trust Steering Group have met monthly since April 2012 to progress the formation of the Community Trust and in September agreed a very tight timetable to form the Community Trust as a legal entity.

In parallel the Development Group, also meeting monthly since June 2012 have drafted the Heads of Terms for providing the new combined Community Centre and Church facility and set out a realistic timetable for the design development of the new building to ensure the aspirations of stakeholders are met within the known constraints. There will continue to be regular consultation with stakeholders as the detailed design proceeds.

The programme is for the Community Centre and Church facility design brief and initial sketches to be completed by December 2012 and to enter into the Church Agreement between Barratt and the Diocesan board by March 2013. The detailed design for the building is to be completed and agreed by July 2013 at which point a planning application will be submitted. Subject to planning consent being secured and the procurement stage, construction is anticipated to commence in Spring 2014 and to complete in Spring 2015. The stages are set out in the table in **Appendix 2**.

A condition of funding by the Homes & Communities Agency is the community and church buildings are completed and handed over by February 2015. The existing facilities will remain in use until the new facilities are occupied at which point the Council will transfer the existing facilities and land to the development partners to enable the final phase of the regeneration to be completed. This means that Barratt cannot build the final phase of housing until they have constructed and completed the new Community Centre and Church facility.

1.4 Timing and Current Build Programme

The current trigger in the section 106 agreement requires the community centre to be constructed by the time the 407th residential unit is occupied.

The phase currently under construction (Zone 2A, Sterling Court) is due for completion in Spring 2013. This phase is entirely affordable housing and will take the total number of constructed units to 388. Therefore the next phase of the development will trigger the community centre requirement.

Academy Lane (Zone 5B & 7) is proposed to be the next phase to be constructed, subject to the approval of the reserved matters application also being considered by this committed (ref H/02475/12). This phase contains 137 units and will take the subtotal for the development to 525 units thereby triggering the community centre obligation in the section 106 agreement.

Barratts current construction programme indicates that to comply with the 407th unit trigger would mean that the community centre would have to be built by April 2014. To meet this timescale would require a planning application to have been submitted in May earlier this year to allow the necessary time for planning approval, working drawings, procurement and construction.

Due to the community centre review commissioned by Family Mosaic, it has not been possible to meet this timescale. Rather than proceed with a proposal that was more than likely to run into financial trouble in the near future, it has been decided to develop a joint Community Centre and Church facility. The process for agreeing the design brief and setting up the Community Trust is underway. The programme has now been set to deliver the joint facility by February 2015. Therefore the unit trigger in Schedule E of the section 106 agreement is required to be amended to reflect the fact that the community centre will now be delivered later in the regeneration programme.

1.5 Proposed Amendments to the Section 106 Agreement

The following change to the triggers within the signed section 106 agreement are proposed:-

Schedule: E

Community Centre

Current Trigger Date: Prior to occupation of 407th unit

Proposed Trigger Date: Prior to occupation of 586th unit

The new trigger date corresponds with the next two phases of the development which are: Zone 5B&7 comprising 137 units, and Zone 4 comprising 61 units which when combined with the 388 units already constructed gives a total of 586.

It is also considered appropriate to include a further clause within the section 106 agreement requiring the Developer to make a financial payment to the Council equivalent of the cost of constructing and completing the Community centre, should for any reason it not be possible for them to complete the work. In this case the payment would be £1,865,606 (BCIS Index Linked) which is the value for the community centre which is already specified in the section 106 agreement.

All other schedules and triggers within the original section 106 remain unchanged.

It should be noted that Barratt cannot demolish the current church building until the new one is complete and ready to be occupied. The current masterplan shows approximately 11 private sale houses and 20 private sale flats on the current Church land. Therefore Barratt will be unable to build these units until they have completed the new Community and Church facility.

1.6 Conclusion

The proposed amendment to the community centre trigger in the section 106 agreement is required to reflect the delay that has occurred to enable a feasibility review of the community centre to be carried out by an independent consultant. Rather than proceed with a proposal that was more than likely to run into financial trouble in the near future, it has been decided to develop a joint community centre and church facility. The process for agreeing the design brief and setting up the Community Trust is underway but a detailed design for the new building will not be ready until summer 2013 and will therefore it will not be possible to construct the community centre to meet the date by which the 407th residential unit will be occupied. The programme has now been set to deliver the joint facility by February 2015. Therefore the unit trigger in Schedule E of the section 106 agreement is required to be amended. The new trigger reflects the number of units being delivered in the next phases of the regeneration as per the reserved matters application that is also being considered by this committee. The Developer will be unable to build approximately 21 private sale houses and flats on the existing Church land until they have completed the new Community and Church facility.

The proposed change to the trigger date in Schedule E of the section 106 agreement and the associated definitions of the New Community Centre and New Church and Ancillary Facilities is recommended for approval to allow a Deed of Variation to be completed.



St. Peter's Church
and Vicarage

APPENDIX 2 - Broad Timetable for the Delivery of the combined community centre and church facility

Stage	Activities	Timeline
Agreement to proceed with combined Community Centre and Church facility	- CTSG approve decision to proceed with combined Community Centre and Church facility	April 2012
Design brief for the combined developed	- CTSG leads on design/consultation & involvement of community - involved in and sign off of design brief - feedback on initial designs	October – December 2012
Church and Vicarage	- Finalise Church Agreement with Church and developer	January 2013
Community Trust	- Undertake recruitment for Community Trust - Induction	February – April 2013
Designs worked up & design consultation on combined Church and Community Hall facility	- Consultation with CTSG and Shadow Trust Board and Partnership Board - Wider public consultation	January 2013 – July 2013
Planning application submitted for combined Community Centre, Church and vicarage	- Sign off of final design - Planning submission made - Planning application consultation and determination	August 2013 – October 2013
Procurement	- Working drawings prepared and procurement	November 2013 – March 2014
Construction	- Contractor appointed - Site start - Construction	April 2014 – February 2015
Combined Community Centre and Church Opens	- Completion and handover	End February 2015

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LOCATION: Stonegrove and Spur Road Estate, Edgware,
HA8 8BT

REFERENCE: H/02475/12

Received:

Accepted: 24 July 2012

WARD(S): Edgware

Expiry: 23 October 2012

AGENDA ITEM 15

Final

Revisions:

APPLICANT: Barratt Evolution Ltd

PROPOSAL: Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 2 (part), 4, 5B and 7 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11.

Background

The Stonegrove and Spur Road Estates are identified as one of the Council's Priority Housing Estates for regeneration in Barnet's Three Strands Approach. The Council's Regeneration Service is working in partnership with Barratt Homes and Family Mosaic to deliver the regeneration.

Outline planning consent was granted on the 6th October 2008 (ref W013582E/07) for the redevelopment of the Stonegrove and Spur Road Estates comprising the demolition of the existing 603 flats on the estates and the construction of 937 new homes of which 417 will be affordable and 520 will be for private sale. The outline planning consent was renewed in December 2011 under application H/03653/11.

The outline planning permission approved a masterplan for the development which established the siting of the new buildings and the points of access and road layout. The scale of the buildings, external appearance and landscaping were 'reserved' for future consideration (the Reserved Matters).

The regeneration is being built out in phases and the reserved matters for the first four phases have already been approved across a number of Character Zones identified by the masterplan. Phase 1 (Zone 1) was completed in June 2010 and is occupied. Phase 3a and 3b (Zone 6) was completed in October 2011 and is occupied. Phase 2a (Zone 5a) was completed in June 2012 and units are being sold. Most recently Phase 2b (part of Zone 2 and 4) was approved in March 2011 and construction is now well advanced with a completion target of Spring 2013. The approved phases are highlighted on the plan in **Appendix 1**.

In total, 388 units out of the 937 have been approved, of which 281 units have been completed and the other 107 are due for completion by Spring 2013.

Reserved Matters Proposals for Character Zone 2B, 4, 5B and 7

Barratt Evolution has submitted a reserved matters application for the scale, external appearance and landscaping for Character Zones 2B, 4, 5B and 7, as illustrated on the Character Zones Plan in **Appendix 2**. These zones represent the next phases of the regeneration and will deliver 295 new homes comprising a mix of 202 units for private sale, 52 units for shared ownership and 41 affordable rented homes.

After these phases there remain 254 units to be delivered out of the 937 units approved for the development including 177 private and 77 affordable homes.

Barratt's design team have undertaken a review of the outline masterplan for Stonegrove and Spur Road Estates in relation to the remaining development phases/zones that are yet to be delivered. While the principles established in the masterplan remain unchanged, the detailed solutions for the remaining phases of the development have evolved in response to changes in phasing and decanting requirements and market conditions. Barratt Homes have sought to revise the private housing mix within the development to deliver a greater number of three-bed houses instead of three-bed flats. The design team has also identified a number of improvements that can be made to the layout of the masterplan in relation to the southern half of the development. This primarily relates to the re-alignment of one of the internal roads within the scheme. The main points of access, and principles of streets with houses along them remain the same.

The reserved matters of detailed design, appearance and landscaping have been assessed and it is considered that the proposals will deliver high quality, sustainable, spacious residential accommodation. The contemporary architectural design of the houses and flats is considered to be appropriate whilst the scale and form of the buildings respect the surrounding residential context. The use of high quality brick throughout these zones will provide a robust material as well as continuity across the overall masterplan. The overall layout and design of the buildings and landscape is considered to create a high quality residential environment and enhanced public realm.

The plans submitted for Zone 2B, 4, 5B and 7 are considered to be substantially in accordance with the parameters established by the outline consent approved under reference W13582/07 and extended by reference H/03635/11. The proposals provide appropriate level of car parking in accordance with the requirements of the outline consent.

This application will allow the next phases of the regeneration of the Stonegrove and Spur Road housing estates to be delivered and will contribute to the objective of creating a new, mixed and balanced community comprising new private sale homes as well as affordable housing that will bring social, economic and environmental benefits to the surrounding area.

RECOMMENDATION: Approve Subject to Conditions

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Zone 2B

12369_02_SC_100 D1
12369_02_SC_101 D1
12369_02_SC_102 D1
12369_02_SC_103 D1
12369_02_SC_104 D1
12369_02_SC_105 D1
12369_02_SC_106 D1
12369_02_SC_107 D1
12369_02_SC_108 D1
12369_02_SC_109 D1
12369_02_SC_110 D1
12369_02_SC_111 D1
12369_02_SC_112 D1
12369_02_SC_113 D1
12369_02_SC_114 D1

12335_02_SC_120 D1
12335_02_SC_121 D1
12335_02_SC_122 D1
12335_02_SC_123 D1
12335_02_SC_124 D1
12335_02_SC_125 D1
12335_02_SC_126 D1

12335_02_SC_127 D1
12335_02_SC_128 D1
12335_02_SC_129 D1

12335_02_SC_140 D1
12335_02_SC_141 D1
12335_02_SC_142 D1
12335_02_SC_144 D1
12335_02_SC_145 D1

12369_02_AL_100 D1
12369_02_AL_101 D1
12369_02_AL_102 D1
12369_02_AL_103 D1
12369_02_AL_104 D1
12369_02_AL_105 D1
12369_02_AL_106 D1
12369_02_AL_107 D1
12369_02_AL_108 D1
12369_02_AL_109 D1
12369_02_AL_110 D1

12369_02_AL_111 D1
12369_02_AL_112 D1

12335_02_AL_120 D1
12335_02_AL_121 D1
12335_02_AL_122 D1
12335_02_AL_123 D1
12335_02_AL_124 D1
12335_02_AL_125 D1
12335_02_AL_126 D1
12335_02_AL_127 D1
12335_02_AL_128 D1
12335_02_AL_129 D1
12335_02_AL_130 D1
12335_02_AL_131 D1
12335_02_AL_132 D1
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12335_02_AL_134 D1
12335_02_AL_135 D1
12335_02_AL_136 D1
12335_02_AL_137 D1
12335_02_AL_138 D1
12335_02_AL_139 D1
12335_02_AL_140 D1
12335_02_AL_141 D1
12335_02_AL_142 D1
12335_02_AL_143 D1
12335_02_AL_144 D1
12335_02_AL_145 D1
12335_02_AL_146 D1
12335_02_AL_147 D1

MLA/305/L/100

MLA/305/L/005/100
MLA/305/L/005/101
MLA/305/L/005/102
MLA/305/L/005/103
MLA/305/L/005/300
MLA/305/L/005/301
MLA/305/L/005/302

MLA/305/L/006/100
MLA/305/L/006/101
MLA/305/L/006/102
MLA/305/L/006/103
MLA/305/L/006/300

MLA/305/L/MA/100
MLA/305/L/MA/105
MLA/305/L/MA/115
MLA/305/L/MA/120
MLA/305/L/MA/122

MLA/305/L/400
MLA/305/L/401

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the project as assessed in accordance with policies GSD, GBEnv1 and GBEnv2 of the Barnet UDP 2006 and policy 1.1 of the London Plan 2011.

2. **Materials**

Notwithstanding the plans hereby approved, before the commencement of development within each Zone hereby permitted, details and samples of all materials to be used for the external surfaces of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.

Reason:

To ensure the delivery of high quality buildings and safeguard the visual amenities of the locality.

3. **Architectural Details**

Before the commencement of development within each Zone hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Balconies and balustrades;
- (ii) Roof parapets;
- (iii) Depth of window reveals to a minimum depth of 100mm;
- (iv) Canopies to entrances;
- (v) Rainwater goods and where indicated recessed details.

The development shall be implemented in accordance with the details as approved.

Reason:

To ensure the delivery of high quality buildings and safeguard the visual amenities of the locality.

4. **Car Parking Management Plan**

Prior to the occupation of each Zone hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. the allocation of car parking spaces;
- iii. on site parking controls and charges;
- iv. the enforcement of unauthorised parking; and
- v. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason:

To ensure that adequate parking is provided on the site and managed in line with the Council's standards in the interests of pedestrian and highway safety, to ensure the free flow of traffic to and from the National Health Blood and Transplant site in accordance with policies M2, M8, M10, M11, M12, M13, and M14 of the Barnet UDP 2006 and policies 6.13 of the London Plan 2011.

6. **Security Management Plan**

Prior to the occupation each Zone hereby approved, a Security Management Plan detailing security measures for this phase in accordance with the principles of Secure By Design shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Barnet Borough Police Crime Prevention Design Adviser.

Reason:

To ensure that the development provides a safe and secure environment.

7. **Security Gates**

Before the occupation of each Zone hereby permitted, details of security gates to any basement car parks within that Zone shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall comply with PAS 24: 2007 and LPS 1175 security standards.

Reason:

To ensure that the development provides a safe and secure environment and in the interests of the appearance of the development and streetscene.

INFORMATIVE(S):

The informatives that are recommended to be included on the decision notice in respect of this application are set out in **Appendix 4** of this report. These include a summary of the reasons for granting planning permission for this development and the relevant development plan policies taken into account in making this decision.

1. 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 published July 2011 and the saved policies of the London

Borough of Barnet Unitary Development Plan (UDP), which was adopted May 2006. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies documents. The Core Strategy and Development Management Policies were adopted by the Council on September 11 2012. They are now subject to a 6 week period of legal challenge, which ends on October 30 2012. Very significant weight should be given to the policies in the Core Strategy and Development Management Policies documents. The National Planning Policy Framework (NPPF) (paragraph 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications. Until the Local Plan (Core Strategy and Development Management Policies documents) is complete and the period of legal challenge has passed the policies within the adopted Barnet Unitary Development Plan (UDP) remain in place.

More detail on the policy framework relevant to the determination of this application and an appraisal of the proposal against the development plan and Local Plan policies of most relevance is contained in **Appendix 6**.

National Planning Policy Framework

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF 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'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

Paragraphs 14 and 197: Presumption in Favour of Sustainable Development;
Paragraphs 32 and 34-36: Sustainable Transport;
Paragraph 49: Presumption in Favour of Residential Sustainable Development;
Paragraph 50: Housing Delivery;
Paragraphs 56-57 and 61: High Quality Design;
Paragraph 69: Safe and Accessible Developments;
Paragraphs 6-99: Minimise Energy Consumption and Climate Change;
Paragraphs 123-125: Minimise Noise, Air and Light Pollution; and

The London Plan and Barnet Unitary Development Plan

Appendix 6 examines in some detail the London Plan, Barnet UDP and Local Plan policies of most relevance to this planning application and appraises the proposal against these policies.

In order to present the analysis of the policies in a readily readable form it is set out in a table format. The tables list the policies, describe them and then provide a brief commentary to assess how the proposed development conforms to the requirements of the specific policies.

The officers have considered the development proposals against the relevant policy criteria and, as Appendix 6 shows, have concluded that that the development will fulfil them to a satisfactory level. The proposed development is considered to comply with the requirements of the development plan and the Local Plan.

The Three Strands Approach:

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities.

The third strand 'Growth' responds to Barnet's significant growth potential and sets out how and where sustainable strategic growth, successful regeneration and higher density can take place across the borough. The Three Strands Approach identifies the council's programme to regenerate four priority housing estates within the borough, including Stonegrove and Spur Road. This major programme of regeneration will see over 3,500 Council homes replaced with 8,000 new homes for existing tenants, for shared owners and key workers, and for private sale. The programme seeks to transform these council housing estates into thriving mixed tenure neighbourhoods.

1.2 Relevant Planning History

Application Ref.	Address	Description of Development	Decision and Date
W13582E/07	Stonegrove and Spur Road Estates, Edgware, London	Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facility, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking. Submission of Environmental Statement.	Approved 6th October 2008 after completion of a S106 agreement
H/02723/09	Zone 6, Stonegrove and Spur Road Estates, Edgware, London	Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 6 of the redevelopment of Stonegrove and Spur Road Estates comprising 98 residential units pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 19th October 2009
H/04521/09	Zone 5A, Stonegrove and Spur Road Estates, Edgware, London, HA8 8BT	Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 5A of the redevelopment of Stonegrove and Spur Road Estates comprising 67 residential units for private sale pursuant to Condition 3 of outline	Approved 18 th February 2010

		planning permission reference W13582E/07 dated 06/10/2008.	
H/00433/11	Development Phase 2 (comprising part of Character Zones 2 and 4), Stonegrove and Spur Road Estates, Edgware, HA8	Reserved matters application seeking approval for scale, external appearance and landscaping in relation to Development Phase 2 (comprising part of Character Zones 2 and 4) of the redevelopment of Stonegrove and Spur Road Estates, comprising 107 residential units, including 19 houses, pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.	Approved 16th March 2011
H/03635/11	Stonegrove and Spur Road Estates, Edgware, London	Extension to the time limit for implementing Condition 3 of planning permission W13582E/07 dated 06/10/08 to allow submission of reserved matters to continue development in respect of 'Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facilities, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking.'	Approved 7 th December 2011 following deed of variation to the original section 106 agreement

1.3 Pre-Application Public Consultation

The applicant has submitted a Statement of Community Involvement (SCI). Barratt Homes has appointed HardHat to undertake consultation for the reserved matters proposals for Stonegrove and Spur Road Estate.

Since the outline permission was granted, Barratt has continued to engage with a range of key stakeholders, including residents on the estate through representatives from the Stonegrove and Spur Road Partnership Board, residents from around the estate as well as local councillors.

Community engagement has been ongoing since the proposed renewal of the outline planning permission in October 2011. The following activities were undertaken:

- Consultation with leaseholders, via a formal letter, on the proposed extension of the outline renewal;
- Attendance and updates to the Stonegrove and Spur Road Partnership Board;
- A website was set up containing key details relating to the project (www.evolutionedgware.co.uk)
- A 'Consultation Hotline' was also set up in order to deal with resident enquiries;
- Newsletters, delivered on a quarterly basis, to residents on the estate and the surrounding area;
- Two public exhibition events, held at St. Peter's Church on the estate;
- Regular attendance at the Edgware Ward Panel.

1st Public Exhibition

In order to provide an opportunity for local residents to find out about the scheme, ask questions and raise any concerns, a public exhibition was held at St. Peters Church Hall on Thursday 23rd February (3:30pm—8:30pm) and Saturday 25th February 2012 (10:30am—2:30pm).

The event was advertised in the February edition of the newsletter which was sent to residents on the estate and the surrounding area. A copy was also sent to all Barnet Councillors, the neighbouring ward councillors from Harrow, Matthew Offord MP, and the London Academy, along with a covering letter.

The exhibition provided a series of displays illustrating the details of the regeneration and representatives from Barratt Homes, Quod planning consultants, Sprunt architects, Maccreanor Lavington architects and Hard Hat Communications were present to answer any questions.

Approximately 50 people attended the exhibition over the two-day period. Seven people filled out a feedback form. The comments can be summarised as follows:

- Concern about increase of houses by 50%
- Not enough parking. Concern that there will be an overflow of cars in orchard drive or Hillersrow Ave

- Flat roofs on Stonegrove will only be a problem in time
- Traffic
- Not enough clinics
- The square design of the apartment buildings facing Stonegrove with flat roofs is not attractive and needs to be redesigned to be more in keeping with properties in the surrounding area. Otherwise the design and layout has been improved and pleased to see the heights have been reduced.
- Generally like the proposed scheme. Concerns about rat runs of roads – motorists will cut through development to avoid the extreme congestion of Stonegrove and A41 at peak times.

The neighbouring synagogue submitted comments responding to the first consultation stating that they are keen to be fully supportive of the project and design as Barratt proceed with clearance of the reserved matters from the planning approval. They made specific comments in relation to:

- The trees that are within the synagogue boundary along the northern fence line. Request that they are protected from damage including foundation design and proximity of the structures to the boundary.
- Prefer the “mews houses” on the northern boundary to have hipped roofs.
- Grateful that the designs have attempted to eliminate windows that overlook the synagogue property for various security and safety reasons. However, to avoid blank brick walls, the synagogue would be amenable to the insertion of obscured glazed windows to break up the elevation and give it some architectural interest.
- The roadway from the synagogue rear gate should be shown the plans even though it would be just indicative at this stage.

The design team made amendments to the plans following the comments made by the synagogue.

2nd Public Exhibition

Following the first exhibition in February, further work on the design of the scheme was undertaken and a second exhibition was held at St. Peters Church Hall on Wednesday 16th May (3:30pm—8:30pm) and Saturday 19th May 2012 (09:30am—2:30pm). The event was advertised in the May edition of the newspaper, which was sent to residents on the estate and the surrounding area. A copy was also sent to all Barnet Councillors, the neighbouring ward councillors from Harrow, Matthew Offord MP, and the London Academy.

Approximately 40 people attended the exhibition over the two–day period. 4 people filled out a feedback form. Comments are summarised below:

- Like it. Like the look of my new home to be and especially the children activity out the front. Thank you.
- Concern with the new junction onto Stonegrove and traffic on Stonegrove. Suggest that all access to Stonegrove from Esso Garage, McDonalds, Doctors Cul–de–Sac, proposed new estate exit all be left turn only with traffic lights to turn right at the end of green spaces to return northward. This should

be one way with those exiting Pangbourne Drive and the other road also turning left. Point to Stonegrove will allow traffic North and Southwards.

- Blocks facing Stonegrove should include pitch roof designs.

Following the exhibition, further feedback from some local residents has expressed concerns, regarding the frontage to Stonegrove. Further consideration is therefore being given to the design of the blocks along Stonegrove to try and address some of the concerns raised. It should be noted that this application only deals with Zones 2B, 4, 5B and 7 on the western and central areas of the masterplan. The Stonegrove frontage and associated character areas will be submitted under a separate reserved matters application.

1.4 Public Consultation and views Expressed

Letters were sent out to 1502 addresses on the 23rd July 2012. The application was advertised on site and in the press on the 26th July.

The plans were available to view at the Planning Reception on the 2nd Floor at Barnet House, 1255 High Road, Whetstone throughout the consultation period in accordance with the statutory requirements. There was a delay uploading the plans on the Council website. The plans were available to view from the 6th August.

Neighbours Consulted:	1502	Replies:	12 (2 in support, 10 in objection)
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Comments from residents:

The comments made in support of the application can be summarised as follows:

- As local residents considerably affected by the regeneration programme we are writing to advise you that we feel there is absolutely no reason why the plans should not be passed as they have been submitted.
- Should there be any delay in approving these plans it will cause unnecessary problems to all concerned from all aspects of life including the social aspect for the existing inhabitants on the estate. Furthermore the removal and rebuilding of the existing building will be a great enhancement to the area as a whole which currently resembles a run down area of tenements.
-

The Edgware Ward Panel of the Safer Neighbourhood Team have submitted a letter in support of the application making the following comments:

- Support the application by Barratts for the next phase of the Stonegrove redevelopment programme and recommend that the Planning Committee agree to the continuation of the building works as submitted.
- One of the prime responsibilities of the Edgware Ward Panel is Anti Social Behaviour, and they are concerned that any delay in the proposed building schedule will exacerbate and add to the opportunities for and promotion of ASB at a time when the police are under such extreme pressure.
- Edgware, and indeed Barnet, are extremely fortunate to have such a dedicated, professional and caring Police team, in Edgware led by Sgt. Dan Reid and everything must be done to support them.

The letters of objection that have been received are from residents in Harrow. The comments made in the letters of objection can be summarised as follows:

- Proposals will affect residents in Harrow who live facing the development.
- Object to plans to build a block of 11 storeys high opposite Regents Court.
- The scale and appearance of the current plans are out of keeping with the surrounding area and are more suited to an inner city environment.
- The design of the buildings proposed to be constructed on the Stonegrove frontage is out of keeping with the buildings on the Harrow side of the road and would create an eyesore.
- The appearance is heavy and bulky, particularly for the proposed external blocks facing Stonegrove.
- Particularly concerned that once plans are passed for the central area, it may become difficult to marry this up with something appropriate and more conventional on the Stonegrove frontage.
- The buildings are flat and visually unexciting and will not give a pleasing appearance on the streetview.
- The existing buildings along Stonegrove are at an angle to the road. This frontage is the face of Barnet for anyone approaching from Harrow and as such we would like to see a similar treatment, not a long row of dominant, barrack-like buildings.
- There is the possibility of being overlooked and the consequent loss of privacy from high rise buildings facing London House, Regents Court and the houses along Stonegrove.
- The properties being built for private sale are intended to fund the scheme. If mediocre properties are built they will sell for mediocre prices.
- Proposals will devalue the area.
- A Council Development lowers the tone of the area.
- This is a very busy area made even more so by the flow of traffic both in and out of Tesco Garage and MacDonaldis both sited opposite Regents Court. There will be an enormous increase of traffic and because of this drivers will be using the slip road in front of Regents Court to bypass the traffic and come out at the roundabout on Canons Corner. This development will increase this hazard.
- Many drivers use the service roads as a “rat-run”. The proposed new access road into Stonegrove, sited opposite our flats, will cause more problems, especially during rush-hour and the movement of pupils to and from the London Academy.
- The number of dwellings should again be reduced and there should be no further vehicle accesses or side roads onto Stonegrove.

Officer Response

- *The Outline planning consent establishes the principle of the redevelopment of the Stonegrove and Spur Road estate. The overall number of new homes, the general configuration of buildings and the points of access into the development have therefore already been approved.*

- *This Reserved Matters application only relates to Zones 2B, 4, 5B & 7. The proposals for the buildings along the Stonegrove Frontage will be subject to a separate application. Barratt Homes and their design team are currently responding to the comments that were made at the pre-application public exhibition in relation to the design of the buildings along Stonegrove.*
- *There are no 11 storey buildings proposed opposite Regents Court. The outline planning consent allows for a number of 4 storey blocks and one block up to 6 storeys along the Stonegrove Frontage. The amendments proposed to the masterplan would mean that all the buildings would be 4 storey in this area and they would be broken up with more spaces in between the buildings.*
- *The detailed design and appearance of the buildings proposed for Zones 2B, 4, 5B and 7 are described in more detail in Section 3.4 of this report. The detailed design of the proposed buildings is considered to be appropriate for the regeneration and for the context that surrounds the site. The southern half of the masterplan comprises predominantly 2 and 3 storey houses facing onto public streets much like the streets to the south of the estate. The scale of the buildings along Stonegrove, although not under consideration in this application, are 4 storeys which is reflective of the scale of blocks of flats up and down the A5.*
- *The original outline planning application included a Transport Assessment to assess the traffic impact of the development. A number of improvements to the Canon's Corner roundabout are proposed to be delivered using the section 106 contributions that have been secured from the Stonegrove development. The Highways Authority is proposing to introduce a new right turn pocket on Spur Road by the Canons Corner roundabout into the petrol filling station. This would assist in improving safety and the flow of traffic at this location. Localised carriageway widening will be carried out to facilitate the extra pocket. In conjunction with these, minor carriageway widening, resurfacing works for Spur Road are planned for the early part of 2013. There are also Section 278 improvements to be undertaken on Spur Road at its junction with Amias Drive, which involves the introduction of a median island.*
- *Issues relating to property values are not a material planning consideration. However it should be noted that the redevelopment of the Stonegrove and Spur Road housing estates to provide a new, mixed and balanced community comprising new private sale homes as well as affordable housing will bring social, economic and environmental benefits to the surrounding area.*

A letter has been submitted on behalf of Canons Park Residents' Association (CAPRA) making the following comments:

- Predominant material is brick which is used throughout and could be rather relentless, with little variation of material and architecture, giving the scheme an urban rather than sub-urban feel for this area so close to the green belt.
- This brickwork seems to work better on the lower terraces of houses, (Zone 5B etc) where there is a variation with slate roofs and large bay windows, and timber panelled doors, but even here there could possibly a mix of rendered facades interspersed with the brickwork, in different groups of buildings.
- The large 10 storey block is the most problematic, since its rectangular bulk is accentuated by a regimented array of windows, all the same height, though varied in width.

- The large block overshadows the lower blocks and could create problems of privacy and overlooking of surrounding blocks and the Academy behind it.
- It is important that this section of the whole project sets a proper precedent for the next section of the scheme which fronts onto Stonegrove, and that the concerns of residents on the Harrow side, for a better relationship to buildings in the area, without the use of rectangular blocky buildings, with more variation in building materials and modelling.

Officer Response

- *The use of brick as a predominant material throughout the development will provide continuity across the different phases and different character zones. Brick is a durable material and much of London's housing is built using it. Variation and interest is provided throughout the scheme through differences in scale, roof form and architectural style. Render has been used on the phases along Spur Road. It is not considered necessary to introduce render within the zones proposed under the current application.*
- *The taller buildings in Zone 2B have been deliberately positioned along the southern boundary to the London Academy to ensure that they do not overshadow any of the lower blocks of flats.*

Consultation Responses from Statutory Consultees and Other Bodies:

- Environment Agency - no objection

The Environment Agency have no objection to the reserved matters application. However they note that the information submitted does not clearly demonstrate that green roofs and permeable paving have been included as part of the building design or landscaping works. They therefore advise that in order to discharge the surface water drainage condition for this, and subsequent phases of the development it will be necessary to demonstrate that where possible Sustainable Drainage System (SuDS) have been maximised throughout the site in line with the previously agreed drawings D118637-500-005,006 and 007 which were submitted as part of the addendum to the Flood Risk Assessment (dated 17 January 2007). Justification should be provided if this is not achievable.

- MET Police - no objection

Barnet Police have no objections in principle to the development proposals. They have made a number of comments concerning crime reduction principles and future community safety. Specifically these relate to lighting, door and window security standards, boundary treatments, communal entrances, basement car park and cycle stores. The Crime Prevention Design Advisor has suggested a Security Management Plan be secured by way of condition to address some of the comments made.

- Thames Water - no objection

The reserved matters application does not affect Thames Water and as such we have no observations to make. All Previous comments made by Thames Water in relation to this site remain valid.

- Arqiva – no objection

Arqiva is responsible for providing the BBC and ITV's transmission network. They

no objection to this application and consider that it is not likely to have an adverse affect on their operations.

- Hertsmere Council - no comments
- Harrow Council - no objection

Harrow Planning Officers have confirmed (letter dated 9th October) that they have no objections to this reserved matters application.

Internal Consultation Responses:

- Traffic and Development – No objection subject to a number of conditions being imposed on the reserved matters consent. Highways issues are covered in Section 3.7 of the Planning Appraisal in this report.
- Regeneration Service
The Regeneration Service fully supports the application and has confirmed that it is important that reserved matters consent is granted to enable the development to be delivered in accordance with the funding deadlines set by the former HCA and to meet the objectives of the regeneration.

2. DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT

2.1 Description of Site

Stonegrove and Spur Road Estates

The Stonegrove and Spur Road estates are located between the A5 Edgware Road, A410 Spur Road and the A41 Edgware Way approximately 1.2km from Edgware town centre. The site is within walking distance of Stanmore Underground Station (0.8km to the west) and Edgware Underground Station (1.7km to the south).

The overall regeneration site comprises an area of 11.37 hectares including the Stonegrove and Spur Road housing estates, the former Edgware School land and St. Peter's Church. The original residential accommodation across the two estates comprised 603 one, two and three bed flats and maisonettes in 19 blocks ranging from 4 to 11 storeys in height.

The London Academy which was completed in 2006 under a separate planning consent (ref: W13031/02), is located on the north side of the estate along Spur Road. The Academy replaced Edgware School which has since been demolished.

A petrol filling station, Tesco Express store and MacDonalDs restaurant are located to the north west of the site on the Canon's Corner roundabout.

The areas to the south and west are made up of traditional residential streets. The majority of property is 1930s and 1950s detached and semi-detached housing. The Edgware Reform Synagogue is located on Stonegrove (A5) immediately to the south of the site.

Sites for Zone 2B, 4, 5B and 7

The outline planning application for the regeneration of Stonegrove and Spur Road Estates has established an overall masterplan for development. The masterplan is divided into eight complementary character zones. A copy of the Character Zones plan is attached at **Appendix 1**.

This reserved matters submission relates to the second half of Character Zone 2 (Zone 2B), the remainder of Zone 4, the bulk of Zone 5 (Zone 5B), and the whole of Zone 7.

Barratt have appointed Maccreanor Lavington Architects to prepare the detailed designs for the character zones located in the southern half of the masterplan. Within this application, they are responsible for the houses in Zone 4. Sprunt architects are the executive architect for the development and they have designed the buildings in the northern half of the masterplan. Within this application they are responsible for Zones 2B, 5B and 7.

Zone 2B

The site for Character Zone 2 is located on the southern boundary of the London Academy. It is bound to the south by the central avenue that runs through the development, referred to as Lacy Drive.

The first half of this zone is currently under construction and is referred to as Sterling Court. This application seeks approval for the second half of Sterling Court

comprising a part 4, part 5 storey block on the corner of the central avenue and Canons Way, and a separate block at the rear of the London Academy ranging from 4 storeys to 10 storeys.

Zone 4B

The site for Zone 4 is located on the south side of the central avenue and stretches from Sterling Lane in the west to Kings Drive in the east. The houses along Kings Drive form the southern boundary.

19 of the houses within this zone were approved under the reserved matters application for Development Phase 2 in March 2011 and are now under construction.

The remainder of Zone 4 consists of a series of 2 and 3 storey terraced and detached courtyard houses arranged along new tree lined streets with associated on-plot car parking. New houses with back gardens will back onto the existing houses along Kings Drive. New junctions will be created at the western and eastern ends of Kings Drive where the new streets within the development will connect to the existing road network. The existing electricity sub station is located in the centre of this zone. This will be retained. The houses are positioned with gardens backing onto the sub-station site. A number of retained trees are located throughout this zone.

Zone 5B and 7

Character Zones 5B and 7 occupy the area between the north eastern boundary of the London Academy and Green Lane. Academy Court (Zone 5A) is located to the north and Sterling Green (Zone 6) is located on the west side of Green Lane. The site for the community centre and public square is located adjacent to the southern end of this zone.

These zones comprise part 2, part 3 storey terraced houses along Green Lane with 4 storey blocks of flats at each end. Four 4 storey blocks of flats and two 7 storey blocks of flats are positioned along the eastern boundary of the London Academy facing the new street called Academy Lane. The houses and blocks of flats enclose a central communal garden. Car parking for the flats and houses is provided in a basement with vehicular accesses from Green Lane. A number of TPO trees are located along Green Lane.

Remaining Phases of the Development

Beyond the phases of development being sought under this application, the remaining characters zones include Character Zones 3 and 8 which comprise the blocks of flats along Stonegrove (the A5) and streets of houses behind, and the land for the Church and community centre to the south east of the London Academy adjoining Kings Drive and Green Lane. Separate reserved matters applications will be submitted for these areas.

2.2 Description of Development

Development Approved Under the Outline Planning Permission

The approved outline planning consent for the regeneration of Stonegrove and Spur Road Estates (reference W13582E/07 as extended by application H/03635/11) comprises the following:

- Demolition of all existing residential dwellings, community buildings and former Edgware School buildings;
- Construction of 937 residential units of which 520 will be for private sale and 417 will be affordable;
- Construction of a new community hall;
- Replacement of the existing St Peter's Church, Church Hall and parsonage with a new Church, Church Hall and parsonage. The Church Hall will be suitable for accommodating a playgroup/crèche;
- High quality public open space provision along with private gardens and communal gardens;
- Provision of a local Energy Centre to serve the development;
- Provision of a maximum of 1000 car parking spaces;
- Pedestrian and cycle routes across the site linking into the pedestrian and cycle network in the surrounding area;
- Means of access and off-site highway works. This includes a new access onto the A5 Stonegrove, retained but altered access points at Kings Drive and Green Lane and new private access junction onto the A410 Spur Road.

Phases of the Development Already Approved

The regeneration is to be built out in phases. The reserved matters for the first four phases have already been approved. These phases have been highlighted on the masterplan in **Appendix 2** of this report and an update on units approved and constructed is provided in the table in **Appendix 3**.

The first phase (within Zone 1) was approved as part of the original outline planning consent and was completed in July 2010 on land to the west of the London Academy on Spur Road. This phase is now occupied and delivered 116 new properties including 78 affordable homes and 38 private homes.

Phase 3a and 3b relates to Character Zone 6 which is on the site of the former Goldsmith, Powis and Collinson Courts. Reserved Matters for this phase were approved in September 2009 and it was completed in October 2011. This phase delivered 98 flats of which 45 are social rented, 17 are shared ownership and 36 are for private sale.

Phase 2A relates to Character Zone 5A which is located on the west side of the London Academy on the corner of Spur Road and Green Lane. The Reserved Matters for Zone 5A were approved in February 2010 for 67 flats for private sale. This phase was recently completed in June 2012 and units are being sold.

Most recently Development Phase 2B comprising parts of Character Zone 2 and 4, was approved in March 2011. This phase is known as Sterling Court and Construction is now well advanced with a completion target of Spring 2013.

Phases 2B, 4, 5B and 7 (This Application)

This application is submitted in accordance with Condition 3 of the outline planning consent for the regeneration of the estate (ref. H/03635/11) which states:

"Applications for the approval for the reserved matters for which the outline planning permission relates, as shown on plan entitles 'Hybrid Planning application

Boundaries' ref: 10930_MP_33 Rev E dated July 2006 shall be made to the local planning authority before the expiration of three years from the date of this permission and shall be in accordance with the approved Design Code of that zone."

As described above, the application relates to several character zones across the masterplan. A total of 295 units are proposed comprising 158 private and 137 affordable. The proposed unit mix for the character zones that make up this reserved matters application is provided in Section 3.4 of this report.

2.3 Proposed Amendments to the Outline Masterplan

Barratt's design team have undertaken a review of the outline masterplan for Stonegrove and Spur Road Estates in relation to the remaining development phases/zones that are yet to be delivered.

While the principles established in the masterplan remain unchanged, the detailed solutions have evolved in response to changes in phasing and decanting requirements and market conditions. Barratt Homes have sought to revise the private housing mix within the development to deliver a greater number of three-bed houses instead of three-bed flats. The design team has also identified a number of improvements that can be made to the layout of the masterplan in relation to the southern half of the development. These changes partly relate to the requirement to incorporate more houses instead of flats.

The key changes to the masterplan layout are set out below.

(i) Masterplan Layout and Access

One of the key requirements of the original masterplan was to organise the development in such a way that the new streets and squares being created would work successfully with the surrounding urban fabric. This was particularly important in the southern half of the masterplan where it connects to the existing streets that surround the estate. Maccreanor Lavington Architects have looked at whether the proposals in the outline permission could be improved.

The original outline Masterplan comprised a number of roads running north-south (Sterling Lane and Stone Lane) through the development to connect to the central avenue. A small public park was located between the two streets. A slip road was also created along the Stonegrove frontage parallel to the A5 replicating the existing form on the west side of the road.

Following a review of the southern half of the masterplan, Maccreanor Lavington have sought to re-align one of the new residential streets with the masterplan so that it runs east-west instead of north-south. The public park/open space is then provided parallel to this street. The proposed houses are then arranged along the new streets to form secure perimeter blocks. The amended plan results in an improved, more logical and legible layout. Access within the internal site has been improved without substantially altering the layout, form or principles of the masterplan.

This new alignment then allows for the buildings along Stonegrove (A5) to be broken up with views through into the development along the new street and public park. It also allows some of the most important TPO trees in this area to be retained without being compromised by new roads.

It also provides a better layout for the pocket park. Previously the park was located in the centre of an urban block with only the gable ends of four houses facing onto it. The rotation of the street to run east-west allows a more significant linear green space to be created that is fronted by rows of houses. The new space is overlooked with front doors and windows along its length. The park also aligns with Pangbourne Drive on the west side of the A5 allowing a strong visual connection to the surrounding area.

The key vehicular access points into and out of the site were fixed at outline stage. In terms of new roads, the scheme comprise the following: a new priority junction onto the Stonegrove (A5) which is located near to the current emergency access to the site currently known as Lacey Drive; an altered junction where Lacy Drive currently meets Kings Lane; new junctions/connections at the eastern end of Kings Drive; a new access from Spur Road; and three vehicular accesses from Green Lane to serve the phases in the east. All of these points of access remain as per the outline consent. The original masterplan also included a secondary vehicular access from Stonegrove (A5) into the slip road proposed along the Stonegrove frontage of the scheme. This was proposed to be an 'in only' route to serve a limited number of flats in that area. The amendments to the masterplan remove this minor access. This will ensure that all vehicular movements onto Stonegrove (A5) are dealt with via the proposed new priority junction. This change does not alter the conclusions made in the original outline application around traffic movements whilst at the same time improving safety along Stonegrove by removing additional turning vehicles.

It is considered that although amendments have been made to a limited part of the internal road layout and corresponding arrangement of houses, the masterplan is still in substantial compliance with the outline planning permission.

(ii) Building Heights

Overall, building heights across the masterplan have remained very similar to those illustrated on the consented heights parameters plan ref. 10930-MP-242-C.

Zones 1, 5A and 6 are now fully built out. Some of these areas were built out at slightly lower building heights, for example Academy Court which was originally proposed to be 10-storeys but was built at 7-storeys.

Of the remaining zones which have yet to be completed (Zones 2B, 3, 4, 5B, 7 and 8) there have been minor changes to heights of buildings in order to achieve the correct overall number of units and housing mix as prescribed by the outline planning permission.

Zone 2 is partially built and the majority of the buildings within this zone have remained the same height as the original Masterplan parameters height plan suggested. However, two of the buildings at each end of Sterling Court have marginally reduced in height whilst part of the building has marginally increased in height to five storeys. This is considered to fall within the parameters of the outline planning permission.

Within Zone 3, all of the houses remain as either two or three storeys, albeit this area has seen some siting of houses amended.

With regard to Zone 4, all of the houses within this zone remain at either 2 or 3 storeys with little change from that shown on the original heights parameters plan.

Zone 5B and 7 has been redesigned to incorporate 3-storey houses along Green Lane where there were previously 4-storey blocks of flats. The blocks fronting onto Academy Lane have been reduced in height. Where previously there were four 7-storey blocks and three 3-storey blocks there are now three 4-storey blocks with two blocks of 7-storeys. This significantly reduces the scale of the buildings in this area and improves the daylight, sunlight and overlooking within the central communal garden within this zone.

With regard to Zone 8, this area primarily relates to the blocks fronting Stonegrove and Canons Row/Sterling Drive. Once again, these blocks have generally remained the same height as previously proposed however the most northern element of the Stonegrove frontage which was previously proposed to be 6 storeys has now been reduced in height to four storeys. These changes are considered to benefit the overall design, balance and appearance of the scheme to the benefit of the overall masterplan.

There have been limited changes made to the original proposed building heights. Where changes have been made they have for the most part been a reduction in building heights within the maximum parameter heights specified on plan 10930-MP-01F.

(iii) Energy Centre

As part of the amendments to the masterplan, the energy centre has moved from the centre of the site to a new location at the southern end of Zone 5B close to Green Lane (see Appendix 4). The relocation was necessary because of phasing, however the benefit is that now it will be closer to Green Lane and the main junction onto Spur Road and can therefore be serviced more easily, with less disruption to the proposed, adjacent residential accommodation.

The proposed boilers stack would be located at 2 m in height above the roof level on a 7-storey block fronting the southern end of Academy Lane, on the eastern part of the Site. The proposed residential accommodation in character Zone 5/7b would be located at a lower level to the stacks, (similar principle to the original outline consent). The size and output of the boilers in terms of emissions remain unchanged for the outline consent. The proposed amendment to the outline consent therefore relates solely to a change in location of the energy centre. The air quality is assessed under the EIA screening opinion below.

(iv) Density

The overall unit numbers provided by the scheme remains as consented at outline (937 units) and the scheme density is therefore unchanged on a unit-by-unit basis.

(v) Phasing

The proposed order of phasing remains significantly in accordance with the Masterplan Phasing Plan (ref. 10930-MP-46H) originally approved.

3. PLANNING APPRAISAL

3.1 Flexibility within the Outline Planning Permission

There is sufficient flexibility within the renewed planning permission ref. H/03653/11 to enable amendments to the outline Masterplan to be undertaken in conjunction with the submission of reserved matters applications, subject to agreement from the Local Planning Authority.

Condition 2 of the outline consent requires Design Codes to be submitted before reserved matters including various design tests most notably BRE daylight and sunlight analysis and Secure by Design. The applicant is also required to show “a three dimensional masterplan of that phase and the adjoining phases that shows clearly the intended arrangement of space and buildings, including massing, orientation, distribution of uses, densities, building lines and spaces”. The Design Code shall be “substantially in accordance with the Stonegrove and Spur Road Estate: Design Statement August 2007”. As such flexibility exists within the production of the design code to allow for detailed submissions of the arrangement of buildings and spaces.

Condition 7 requires reserved matters shall be made in accordance with the following plans and documents “unless otherwise agreed in writing with the LPA”

- Masterplan phasing plan 10930-MP-242-C
- Maximum parameter heights plan 10930-MP-01F
- Trees Protection Plan SA001; SA002; SA003
- Masterplan layout and access 10930-MP-31E
- Masterplan uses [*no reference*]

These plans provide the parameters within which the development can come forward.

Condition 9 states that the highway layout shall be “in substantial accordance with Masterplan layout and access plan 10930-MP-31E and EIA Access Plans unless otherwise agreed in writing with the LPA”.

Condition 10 states that details of vehicular access points into internal highway shall be submitted pre-development “in accordance with Masterplan layout and access 10930-MP-31E and EIA Access Plans unless otherwise agreed in writing with the LPA”.

In each case, the caveat “unless otherwise agreed in writing with the LPA” allows the Council to agree minor changes to the above plans should they agree to do so.

In light of the above, flexibility exists within the outline planning consent to allow a minor variation to the internal road layout and siting of buildings, subject to the agreement of the Council.

Barratt Homes have also sought to adjust the private housing mix within the development to deliver a greater number of three-bed houses instead of three-bed flats. The proposed move to provide more family houses is welcomed and is in accordance with the Council’s preferences for family housing set out in the Core Strategy. There is no restriction within either the outline planning consent or the

Section 106 agreement which specifies a certain mix for the private properties or prevents such a change from taking place.

3.2 Environmental Impact Assessment (EIA) Screening Opinion

An Environmental Statement, the result of an EIA, was submitted with the outline application in August 2007. An Addendum to the ES was submitted in January 2008 containing supplementary environmental information. The ES and Addendum were subsequently approved with the Outline application.

This Environmental Statement concluded that the positive environmental effects of the proposals would be considerable and that residual adverse effects would, at worst, be of minor significance.

An EIA Screening Request in relation to the changes that are proposed to the approved masterplan, has been submitted as part of the current reserved matters application, to determine whether a new EIA is required. The appraisal presented below considers the topic-specific assessments included in the original ES.

(i) Noise

Impacts from construction noise and vibration are not considered to be altered by the proposed changes to the masterplan. The mitigation measures for control of construction noise and vibration impacts identified for the outline application are considered to remain appropriate for implementation of the remaining Zones through the proposed and future reserved matters.

The noise assessment for the outline application identified potential noise sensitive receptors to changes in traffic movements in the area (Tables 9.8 and 9.9, Chapter 9, 2007 ES). In terms of road traffic noise, the 2007 ES predicted the change in noise levels for all receptors as a result of development-related traffic, to be considerably less than 3 dB, and as a result, the noise impact of the redevelopment at the assessed receptor locations, was considered to be insignificant.

The level of increase in development traffic as a result of revisions to the Masterplan is minimal, and is not of a magnitude that would lead to a change in dB (A) over and above that which has been assessed for the outline application.

(ii) Air Quality

The energy centre for the development is proposed to move from the western end of Zone 2 to the southern end of Academy Lane within Zone 5B on the eastern part of the site.

The energy centre will be located at the bottom of a 7-storey block and the proposed boiler stack would be located 2m in height above the roof level. The proposed residential accommodation in character Zone 5b and 7 would be located at a lower level to the stacks, (similar principle to the original outline consent). The size and output of the boilers in terms of emissions remain unchanged for the outline consent. The proposed amendment to the outline consent therefore relates solely to a change in location of the energy centre. The air quality assessment within the 2007 ES concluded that the significance of the effects on air quality due to changes in traffic flow characteristics and the contribution from the biomass boilers associated with the

proposed redevelopment to be of negligible significance (paragraph 10.115, Section 10, of the 2007 ES.).

Notwithstanding this, Condition 50 imposed on the outline permission states:

“Before the phase within which the biomass and CHP plant are located as shown on the approved phasing plan ref 10930_MP_243-C dated 25 August 2011 (or any subsequent amendments to it that have been agreed in writing by the local planning authority) commences development, an air quality assessment report, written in accordance with the relevant current guidance for the biomass boiler and CHP plant shall be submitted to and approved in writing by the local planning authority. The report shall have regard to the air quality predictions and monitoring results from the Stage Four Report of the Local Authority’s Review and Assessment process, the London Air Quality Network, and the London Atmospheric Emissions Inventory.”

Furthermore an Air Quality Strategy for the entire Masterplan was submitted in 2010 to discharge Condition 51 of the outline permission, which has since been implemented. Therefore the proposed revised location of the energy centre is not considered to raise any new significant environmental effects. The existing planning conditions on the outline consent are considered sufficient to ensure the amenities of neighbouring residents and potential future occupiers of the development are protected.

In terms of traffic-related emissions, the net impact of the changes in the scheme from the outline to detailed planning application represents a 1.2% increase in Annual Average Daily Traffic Flows (AADT) flows, compared to the outline consent. This increase in traffic flows is not of a magnitude that would have implications for the findings of the original air quality assessment, which concluded predicted traffic-related pollutant concentrations (NO₂ and PM₁₀), to be of negligible significance.

(iii) Landscape and Visual

The proposed height and massing of the amended masterplan are within the scale and massing parameters of the outline consent. The Townscape and Visual Amenity Impact Assessment for the outline Masterplan (Chapter 6, 2007 ES), assessed the impacts of the proposals during the construction and operational phases.

The assessment identified local, short-term, slightly adverse effects on the townscape character of the immediate areas that abuts the development site, and the character of the Agricultural Landscape, during the construction phase, declining over time to become neutral as the buildings are completed and the proposed landscape establishes. There are no material changes proposed to the construction activities or phasing for the proposed reserved matters, therefore the conclusions of the ES relating to townscape and visual impacts during the construction phases are considered to remain valid.

By way of comparison to the original Masterplan, some of the buildings fronting Green Lane in Zone 7 have reduced from 4 storeys to 3-storeys (refer to Drawing No. 12369_02_04 D1). The buildings fronting Academy Lane have been amended where previously there were four 7-storey blocks there are now only two with 4 storey blocks replacing them. The heights of the buildings in character Zone 2 forming part of this reserved matters application are of a similar scale, massing and layout to the original Masterplan (refer to Drawing No. 12369_02_04 D1). Where previously there was a 6 storey block on the Stonegrove (A5) frontage, the revised

masterplan proposes 4 storey blocks. These blocks have also been broken into smaller separate blocks. The scale of the houses within Zones 3 and 4 remains as per the approved parameters of 2 and 3 storeys.

The proposed reserved matters (and illustrative future reserved matters) do not materially change the overall visual envelope of the Masterplan, and would not alter the findings of the original assessment in terms of assessed impacts on distant views. Overall, the conclusions about the effects on views from properties abutting the site, remain unchanged from the assessment of the outline development. It is considered that the development will generally have a beneficial effect on close up views, and from distant views, would be seen to blend in within the existing urban fabric.

(iv) Socio Economics

The proposed changes to the residential mix within the remaining phases of the development do not significantly alter the assessment of effects set out in the ES (2007). The total number of units remains as per the outline consent (937). Minor changes in mix are only considered to have minor impacts on child yield and this is not considered to be significant. As a result, the assessment of the impact on social infrastructure is unchanged from the original assessment. Similarly open space and play space provision remains substantially in accordance with the outline permission and original ES.

(v) Transport

The Transport Planning Statement (TPS) prepared by Russell Giles Partnership (RGP) that has been submitted with this reserved matters application also considers the remaining character zones within the development, with the exception of the church land and adjacent residential character Zone 7b.

The proposed changes to the masterplan include changes to a number of roads leading through the Site, some of which would be adopted as public highway, whilst other tertiary roads would remain as private access roads. Importantly, the key access points into and out of the site remains as per the outline consent. These are a new junction onto Stonegrove (A5) and connections to Kings Drive at the south and east boundaries of the site. Therefore the changes only relate to internal access routes.

The submitted TPS (Section 4) sets out the traffic generation for the proposals and compares this with the anticipated generation for the outline planning consent and its impact, based on a comparison of the proposed location of dwellings across the site, from that assumed at outline consent.

Upon completion of the final phase of the development on the church land and the adjacent residential houses, the net impact of the changes in the scheme from the outline consent to detailed reserved matters would be an increase of 5 and 2 two-way movements during the AM and PM peak hours respectively. This is not considered to be significant and would not affect the capacity of the local highway network. Furthermore, the design philosophy has not materially changed and hence the locations of houses and flats and the development density has not materially changed. As such, it is not anticipated that there would be a material change in distribution of traffic associated with the development from that assumed at the time of the outline planning consent.

In terms of non-car trips, the maximum number of trips added to the public transport network is 61 bus journeys departing in the AM peak and 56 returning in the PM peak. These trips would be distributed across the extensive public transport network within close proximity to the site and would not therefore adversely affect existing conditions on public transport.

The impact of the revisions to the Masterplan and subsequent reserved matters in terms of traffic is considered acceptable, and is not materially different from that which was previously agreed at outline design stage, given the improvements to vehicular access and the implementation of a Travel Plan to encourage the use of alternative forms of travel to the private car, and is therefore not anticipated to give rise to any new or significant effects.

(vi) Microclimate

Wind

The updated masterplan includes some amendments to the original layout. The overall height of the blocks in Zone 5B/7 has reduced compared to the original masterplan. The number of 7-storey blocks in this area has reduced from four to two. The orientation of the buildings along the Academy Lane frontage has also changed slightly, and the space between the blocks has increased. Some of the buildings facing Green Lane have reduced in height from 4-storeys to 3-storeys. The proposed blocks along Stonegrove have been broken up with more gaps between the buildings. All of the buildings along this frontage are now 4-storeys where previously there was a 6-storey block.

These changes are not expected to have significant implications for the findings of the original assessment, as the tallest elements identified in the outline consent have now reduced in height, and there will be no entrances or seating areas in the locations where potential increases in wind speed would be greatest (i.e. at the corner of the buildings or gaps between the blocks). Another primary consideration has been mitigating the downwash caused by the taller buildings as much as possible.

Daylight and Sunlight

In terms of sunlight and daylight, in 2007, Brooke Vince Partnership (BVP) carried out an initial assessment of the likely effects the proposed estate would have on daylight and sunlight to neighbouring residential buildings and within proposed accommodation, whilst also considering the effects of overshadowing on amenity areas in general.

In relation to proposed reserved matters for zones 2B, 4, 5B and 7 and illustrative proposals for Zones 3 and 8, although there have since been changes to the layout and reductions in the height of some of the blocks, the principles of design in relation to daylight, sunlight and shade, remained unchanged. The revised proposals ensure that with only a small number of exceptions, the main living rooms, bedrooms and amenity spaces, satisfy the design criteria. Where this has not proved possible, the variation is only a minor adverse effect. There would be no adverse effect on neighbouring residential properties and their amenity areas. A stand-alone sunlight and daylight report has been submitted in respect of the reserved matters application.

(vii) Ecology

There are currently a large number of existing trees on the site of varying species, size and condition – a number of which are currently the subject of Tree Preservation Orders (TPOs). A tree retention strategy was approved for the entire Masterplan at the outline planning submission stage.

The ecological assessment undertaken for the outline application assessed the direct loss of existing vegetation as part of the proposals. This would predominantly include 'grade C' or 'grade R' trees with reference to 'BS 5837: Trees in Relation to construction', which the assessment concluded were not of particular ecological value (other than contributing to suitable habitat and corridors for wildlife on the Site). A number of grade A and B trees would also be lost. Overall however, it was considered that the tree loss would be outweighed by the number of trees to be planted as part of the development (replanting ratio of 4:1 new trees to every existing tree), resulting in a net increase in trees, thereby maintaining important linear features and foraging habitats for bats, suitable habitat for nesting birds, and shelter for other wildlife.

The tree retention plan for the outline consent identified trees being retained within an area where there is an existing high voltage cable. The amended masterplan will require an additional 10 trees to be removed, compared to the outline application due to Statutory Undertakers requirements regarding installation, way leaves and easements.

The original masterplan also included the retention of a number of important TPO trees in locations very close to proposed new buildings and other compromised situations e.g. with proposed blocks significantly impinging on tree canopies and Root Protection Zones (RPZs). The updated masterplan improves the setting for a number of the existing trees, particularly the large TPO trees close to the Stonegrove frontage. Retained trees will now be located either within landscaped areas or private gardens with sufficient space around them. Revisions to the Masterplan include the area surrounding the three, key TPO oak trees in the south west corner of the Site (character zone 3), to provide additional space and improve their setting.

Furthermore, an Ecological Mitigation and Management Plan was submitted and approved by the Council to discharge condition 39 of the outline consent. The EMMP includes measures to minimise ecological impacts during the construction and operation of the remaining character zones.

Whilst some further trees will be required to be removed due to Statutory Undertakers requirements, the revisions to the masterplan will result in an improved setting for some key TPO trees. The impact of the revisions to the masterplan in terms of ecological impact is considered acceptable, and is not considered to result in any additional environmental effects over and above those that were previously assessed.

(viii) Archaeology

The proposed changes to the masterplan do not involve any significant alterations to the below ground works across the site compared to the original masterplan. Therefore, due to the static nature of cultural heritage and archaeological assets, the conclusions of the 2007 ES for the outline permission remain valid. The archaeological mitigation measures proposed for the outline consent, including

strategies entailing field evaluation and subsequent recording actions to preserve sites by record before partial loss or destruction by construction activities, would continue to be implemented, for the remaining phases of the masterplan.

A Programme for Archaeological Work will be submitted and discharged for each of the remaining phases under Condition 30 as has been the procedure for the phases completed to date.

(ix) Ground Conditions / Water Resources

The original assessment for the outline application concluded that the overall environmental risk associated with ground conditions and contaminated land is considered to be low. This is substantiated by ground investigation studies that have been carried out to discharge of Condition 47 for each of the reserved matters applications approved to date which have not identified contamination in these Zones. Areas of made ground shown to be present on-site in the remaining zones would be subject to further investigation prior to commencing works to discharge Condition 47 for the reserved matters. Should any contaminated material be identified on the site then further sampling and risk assessment shall be made before excavation.

A Flood Risk Assessment (FRA) was undertaken as part of the outline application. The assessment confirmed that the development site is not at fluvial, tidal, or surface water flood risk, and that the proposed redevelopment of the surface water drainage infrastructure would lead to an improvement over the existing situation. To achieve this requirement, the design would incorporate widened drainage pipes and subterranean holding tanks to attenuate the amount of water entering into the drainage system from the site. The reserved matters and proposed changes to the original outline consent do not involve any significant changes to the surface water drainage infrastructure as originally proposed, therefore the previous assessment findings remain valid.

Surface water run-off will be in controlled in accordance with FRA/Drainage Strategy and FRA Addendum. It concluded that the provision of drainage infrastructure would lead to an overall betterment of the existing Thames Water system, as surface water runoff will be attenuated to brownfield runoff rates based on a lower intensity, longer duration storm which produces runoff rates lower than typical storm sewer design standards.

Conclusion for EIA Screening Opinion

In accordance with the EIA regulations, and having considered the nature of the proposed development, its location and the sensitivity and characteristics of the prevailing environment, it is concluded that amendments to the original consented masterplan will not lead to any new or previously unforeseen significant environmental effects previously not assessed at the outline stage. The proposed changes are such that the environmental effects predicted in the 2007 ES and 2008 ES Addendum will not have materially changed, irrespective of the passage of time since the document was prepared, by virtue of the nature of the development, its location, potential cumulative effects and characteristics of potential impacts. The base information that the ES was considered upon remains valid, and the main conclusions set out in the ES remain robust. On this basis a new EIA is not required.

3.3 Compliance with Parameters of the Outline Planning Permission

The submitted reserved matters for Zones 2B, 4, 5B and 7 have been prepared in accordance with the development parameters established by the outline planning permission and in the context of the amended masterplan as described in section 3.1 above. The parameters of the outline consent are set out in a number of approved drawings and documents as specified in Condition 7. The current reserved matters submission is assessed against the relevant parameters below.

Access and Road Layout

The Masterplan layout and access plan (10930-MP-31E) identifies the locations of the points of access into the development from the surrounding existing roads. It also indicates the road layout within the development.

Zone 2B faces onto the central avenue within the masterplan. The avenue connects into Kings Drive at its eastern end and Stonegrove at its western end. Zone 2B includes the entrance to the basement car park beneath the whole of Zone 2 which is accessed via Canons Way. The eastern end of the central avenue has already been approved under reserved matters application H/00433/11 for Sterling Court. This included a temporary entrance to the basement car park beneath Zone 2. The submitted proposals include the permanent location of the basement car park access.

The Character Zone 4 area of the masterplan contains two new streets. The first is a north-south road referred to as 'Sterling Lane' which connects into Kings Drive at its southern end. The second is an east-west road referred to as 'Kings Lane' which connects Sterling Lane to Kings Drive via another junction at the eastern end of Kings Drive. Both of these roads are identified as roads to be adopted by the Council. The submitted plans for Zone 4 include both of these streets and new connections to Kings Drive as per the approved masterplan.

Character Zone 5 within the approved masterplan includes a new street adjacent to the eastern boundary of the London Academy referred to as 'Academy Lane'. This street is identified as a private street that is not proposed for adoption by the Council. Academy Lane is accessed from Green Lane via a new junction opposite Sterling Avenue at the southern end of Zone 5B. A basement car park is provided beneath Zones 5B and 7 with vehicular access at the northern and southern ends.

The proposed access points and location of the roads within Zones, 2B, 4, 5B and 7 are all in accordance with the Layout and Access plan approved at the Outline stage.

Building Height

The 'Maximum Parameter Heights' plan (drawing reference 10930_MP_01 rev.F) identifies the parameters in for building heights across the development in both storeys and metres. In the area relating to Zone 2B the heights plan identifies a 10 storey building (or building up to 30m) along the southern boundary of the London Academy and a block of 4 storeys (12m) with some 5 storey elements (15m) along the main avenue. The submitted plans for Zone 2B accord with these heights. It should be noted that the block along the London Academy boundary (Block A) comprises a 4 storey plinth above which the main tower element rises to 10 storeys in total. The curved part of the block rises above the top floor to provide a lift overrun and stair access to the roof. Therefore whilst a small part of Block A will be 11 storeys in height, this is very limited and the main bulk of the building will correspond with the heights shown on the parameter plan.

The houses within Zone 4 are proposed at 2 and 3 storeys. These comply with the original heights parameter plan for this part of the masterplan.

Zone 7 incorporates 3 storey houses along Green Lane where the heights parameter plan allows for 4-storey blocks of flats. The blocks of flats fronting onto Academy Lane adjacent to the London Academy have been reduced in height. The original

heights plan allows for four 7-storey blocks of flats and three 3-storey blocks. The submitted proposals comprise three 4-storey blocks with two blocks of 7-storeys at either end. Therefore whilst the lower blocks have increased from 3-storeys to 4-storeys, some of the 7-storey blocks have also reduced to 4 storeys. The majority of the blocks in this zone have come down in height and the proposals are therefore considered to be within the parameters of the original outline consent.

Number of Residential Units and Mix

Condition 8 of the Outline planning consent specifies that the maximum number of dwellings to be developed across the overall regeneration site shall not exceed 937. Condition 53 specified that a minimum of 417 affordable homes must be provided. Within the section 106 agreement the affordable housing mix is specified as 280 social rented units and 137 shared ownership units. However there is no specified mix for the private sale or affordable units within the planning conditions.

The outline planning permission set out a broad tenure mix on the masterplan tenure plan, drawing ref. 10930-MP-03J. Due to the requirements of the overall site decant and phasing of development, the detailed mix has been amended at each phase of the development so far.

As a result of the amendments to the masterplan and particularly the reduction in three-bedroom flats and increase in three-bedroom houses, the tenure plan has been updated to ensure that a balanced and mixed community across the entire site and a tenure-blind scheme is created. The table provided in **Appendix 3** provides an update of the number of units delivered to date by tenure.

The overall number of units will not change as a result of the amendments to the masterplan.

Within the zones which are the subject of this reserved matters application (Zone 2B, 4, 5B and 7) a mix of market sale and intermediate and affordable rented units are provided. A total of 295 units are proposed comprising 202 private and 93 affordable. Zone 2 incorporates blocks containing both private and shared ownership units, Zone 4 is comprised of private sale houses and Zone 5B and 7 comprise 2 blocks of affordable rent with the remainder being for private sale. This approach is in accordance with the outline planning permission.

The proposed unit mix by zone for the current application is set out in the tables below.

Zone 2B:

Zone 2B (97 units)		
Mix	Private	Affordable (Shared Ownership)
1 bed/2p flat	15	20
2 bed /4p flat	24	32
3 bed /5p and 6p flat	6	0
3 bed house	0	0
4 bed /7p house	0	0
	45	52

Zone 4:

Zone 4 (61 units)		
Mix	Private	Affordable
1 bed/2p flat	0	0
2 bed /4p flat	0	0
3 bed /5p and 6p flat	0	0
3 bed house	27	0
4 bed /7p house	34	0
	61	0

Zone 5 & 7:

Zone 5B and 7 (137 units)		
Mix	Private	Affordable (Affordable Rent)
1 bed/2p flat	11	9
2 bed /4p flat	54	32
3 bed /5p and 6p flat	12	0
3 bed house	0	0
4 bed /7p house	19	0
	96	41

The mix is considered to be appropriate and includes houses and flats of varying sizes. The affordable housing provided in these zones will deliver the remainder of the outstanding affordable housing quota for the development.

Trees

The outline approval establishes the principle of the removal of certain trees (including TPO trees) across the site in order to facilitate the redevelopment. At the outline stage 120 trees were approved for removal including 8 TPO trees. Since then 4 additional trees have been agreed for removal under the reserved matters for Zone 5A (Academy Court) and Zone 2 (Sterling Court). Whilst shown for retention on the masterplan, proposed buildings were located too close to these trees making retention not possible. However one tree previously identified for removal was retained in Zone 1.

As a result of the proposed amendments to the outline masterplan, a number of large TPO trees are now able to be retained in a much improved setting. This is particularly the case in the area along Stonegrove where the original masterplan included the retention of a number of important TPO trees in very compromised situations, with proposed buildings impinging on tree canopies and root protection zones. The revised masterplan provides key TPO Oak trees (T155, T151 and T150) with additional space and positions them within robust and well designed public spaces, streets and gardens where they can contribute significantly to the landscape. Furthermore 2 Category R TPO trees are now proposed to be retained along Green Lane and 2 Category C trees are proposed for retention on the site identified for the church.

However, 10 trees which were shown as being retained on the outline masterplan and Tree Protections Plan will now need to be removed. Five of these are located around the substation in the centre of Zone 4 and require removal due to the high voltage cable which runs under the ground in this area and easement requirements for installing a new high voltage cable to the east and west of the sub station. In addition the requirements for access to the sub-station with maintenance equipment need to be considered. Although some of these trees were shown as being retained previously, due to the requirements of the Statutory Undertaker (UK Power Networks), this is no longer possible. None of these trees are covered by TPO.

Of the remaining five additional trees for removal, three are located in Zone 3, including 1 Category C TPO, and are required to be removed as a result of the re-alignment of the internal streets. One is within Zone 1 and was shown on the original masterplan in a compromised location close to one of the proposed buildings. The final tree is in Zone 5B/7 and is required to be removed to allow the basement car park to be provided for these blocks.

Across the whole masterplan, 137 existing trees will be retained while 125 will be required to be removed.

Barratt Homes are committed to a replanting ratio of over 4:1 across the development for every tree that is removed. In total 573 new trees are to be planted over the entire masterplan. The existing tree species have informed the selection of proposed trees to be used to line streets, in avenues and groups.

The specific trees to be removed and retained across the zones in this current application are detailed below.

Zone 2B:

Trees for removal:

- 2 Category B trees (T12, T13)
- 2 Category C trees (T7, T10)
- 4 Category R trees (T8, T9, T11, G6)

Trees retained:

Three groups of mature Category C trees are being retained on the London Academy boundary including one TPO group.

Approximately 40 new trees are proposed to be planted in this area along the central avenue and within the central courtyard.

Zone 4:

Trees for removal:

- 3 Category B trees (T30, T32, T33)
- 4 individual and 1 group Category C trees (T31, G34, T35, T36, T37)
- 1 Category R trees (T29)

Trees retained:

5 individual and 3 group Category C trees along the boundary to the gardens of existing houses on Kings Drive (G147, G146, T145, T144, T143, T142, T141, G140). Approximately 45 new trees are proposed to be planted in this area along the new streets and in private gardens.

Zone 5B & 7:

Trees for removal:

- 1 Category A tree (T129)
- 5 Category B trees (T60, T59, T58, T30, T131)
- 12 Category C trees (T69, T68, T67, T65, TPO61, T60, T57, T53, T51, T132)
- 5 individual and 1 group Category R trees (T64, T63, G66, T49, T128, T126)

Approximately 90 new trees will be planted across this area along Academy Lane, Green Lane and within the central communal garden.

In total 39 trees are required for removal across Zone 2B, 4, 5B and 7 covered by this application. Whilst 6 additional trees are required to be removed in these zones when compared to the outline masterplan, 5 of these need to be removed to meet the requirements of the statutory undertakers and cannot be avoided. It should be noted that none of the additional trees to be removed in these zones are covered by TPO. Circa 175 new trees will be planted across these zones. It is therefore considered that the proposals for Zones 2B, 4, 5B and 7 are substantially in accordance with the parameters of the outline planning permission.

Conditions attached to the outline permission require details of tree protection to be submitted and approved and installed before the commencement of development within each phase.

3.4 Design and External Appearance

The elements 'reserved' for future consideration are set out in Condition 2 of the outline planning consent which defines the reserved matters as the following:-

- Scale;
- External appearance; and
- Landscaping

This section considers the reserved matters of scale and external appearance for each of the character zones to which this application relates.

Zone 2B

Taken as a whole, Character Zone 2 comprises a linear central courtyard around which the buildings are positioned. This semi-public courtyard provides a setting for the taller blocks and also serves as the communal garden for the flats that surround it. The entrance to Block A will be accessed from within this central courtyard which will connect to the community square to the east.

The submitted proposals for Zone 2B are a continuation of the design for the blocks approved under reserved matters application H/00433/11 for Sterling Court.

Blocks G, H, J and K form a corner building that faces out over the central avenue and towards Canons Close. These blocks are 4 storeys rising to 5-storeys on the western corner with Canons Close. The top floor of the 4 storey element of this block is set back so that the building will reflect the three storey houses on the south side of the avenue. The plan of the block is stepped to provide articulation along the avenue elevation. This is combined with set backs at the upper floor and projecting balconies. Pitched roofs are provided on the taller 5 storey elements to reflect the style of the pitched roofs on the houses.

Block A is the only 10 storey building within the overall masterplan. The central 10 storey element of the building is flanked by 6 and 7 storey elements. A projecting central metal-clad curved feature runs up the northern face of the building and projects past the parapet line of the 10th storey. This provides articulation and breaks down the mass of the block providing a key visual feature to the building. This metal feature is repeated in the adjacent Sterling Court blocks that make up Zone 2A.

The architecture treatment of the facades facing the central courtyard are less formal to the elevations of the main street. This reflects the landscaped environment of the courtyard and more semi-private nature of the space. Projecting balconies arranged in a random pattern are provided on the elevations of the taller blocks. On the 4 storey elements a timber frame is used to support deep projecting balconies with varying projecting depths. This provides variation and interest. The timber frames also serve to provide structural support which enables larger balconies to be given to the flats.

The design of the balconies, details of the fenestration and materials are all carried through from Zone 2A. Brick is the predominant material used on all the buildings in this phase. Two different colours of brick are proposed (cream and brown) to differentiate the different elements of the buildings. The Highcliffe Weather Buff and Capital Brown bricks have been selected for Sterling Court which is currently being constructed.

Zone 4

Zone 4 is comprised solely of houses which are a mixture of two and three storeys. The houses are configured on streets and are distributed in a way to minimise overshadowing of residential gardens. As the majority of the streets run East/West, the housing types are organised with the 2-storey terraces on the southern side of the plots, and the taller 3-storey houses on the northern side. This ensures that the gardens to the houses have good sunlight without significant overshadowing. It also creates an asymmetric street section. Different house types and designs have been provided along the streets length, further introducing a variety of roof form, scale and visual interest.

There are three main housing typologies within Zone 4: three bed terrace, four bed terrace and three bed courtyard houses.

The three bedroom terraced houses are provided over two storeys with a stepped section. The houses have a mono-pitched roof with a brick parapet to the front elevation. The dining space to the front of the property and entrance hall benefit from a taller floor to ceiling height due to the split in the section. By utilising the roof volume, the master bedroom also enjoys a more generous floor to ceiling height. On plot car parking is provided for one car on a driveway.

Two variations of the four bed, 3-storey terrace house are proposed, one with an integral garage and one without. Houses with integral garages have two parking spaces and those without have one. These houses also have mono-pitched roofs with a brick parapet to the front. Once again the roof volume is used to allow the master bedroom a taller floor to ceiling height on the top floor. The houses are alternated so that there are never two houses with garages adjacent to each other in a terrace. This prevents the ground floor being dominated by garage doors and ensures that there are always habitable rooms looking over the street.

The courtyard house type is used to respond to specific locations in the masterplan. Zone 4 encompasses the UK Power Networks substation compound. The substation has a significant presence and it was considered that using a normal terrace type in this location would result in many of the rooms looking over the substation compound. The 2-storey, three bed courtyard house therefore has windows orientated to look to the front and side into a private courtyard. The courtyard forms the house's amenity space along with a private terrace at first floor level above its own covered on plot car parking space. This house type has a pitched roof with gable ends. The upper floor bedrooms utilise the roof volume of the pitched roof providing a more generous floor to ceiling height.

All of the houses enjoy dual or triple aspects. Residential amenity has been preserved by maintaining adequate back to back distances throughout our proposals.

All of the houses will be finished in a pale buff brick. A contrasting lighter brick is proposed to be used to create decorative banding on the ground floor of all of the houses as well as brick coins around the window openings. Large window proportions are used on all of the houses. All external rainwater goods are attached to the rear of the terraces to provide a clean, crisp, uncluttered facade to the street. Front doors and garage doors are proposed in timber.

Zone 4 comprises two new adopted roads. These have been designed to adoptable standards and comprise a 6m carriageway and 2m footways. The houses that line the street are set back approximately 5.3m and comprise on-plot car parking, defined by differently paved areas (buff concrete slabs and blocks with resin bound gravel or similar) and a planted strip comprising low evergreen hedge and street tree. Path access to back gardens will be available between houses, accessible via a lockable route.

Zone 4 also incorporates a small mews court that is accessed from the eastern end of the central avenue. This is the only cul-de-sac in the development and is designed to create an attractive courtyard frontage for the cluster of two storey terraced and courtyard houses which face onto it.

Zone 5B & 7

Zone 5B and 7 have been designed together given the strong interrelationship between them. Taken as one area, they form a perimeter block surrounding a central communal courtyard. The buildings in these two zones are designed to provide a transition between the higher density contemporary feel of the central part of the masterplan around the London Academy and the lower density suburban arrangement of Green Lane.

The eastern edge of the block faces onto Green Lane, while the western side faces towards the London Academy. The buildings also relate to Zone 5A (Academy Court) and the public square to the north.

Along Green Lane three terraces of 3-storey houses are book-ended by two 4-storey blocks of flats. Along Academy Lane the three 4-storey blocks of flats are book-ended by two 7-storey blocks.

A basement car park is provided beneath the whole of 5B and 7. This will be divided up to serve the different blocks of flats and houses. Each house has it's own private access down to the basement level.

Blocks A and B at the northern end of the zone are orientated to relate to Academy Square in Zone 5A. Together these blocks help provide enclosure to this space. Vehicular access to the basement car park at this end of the zone is provided using the existing access for Academy Court. There will be three basement entrances in this location when including the Academy Court entrance. A shared surface area is therefore proposed in this area to manage and soften the visual impact of the basement entrances.

At the southern end of the zone the second 7-storey block is positioned to relate to Kings Square which is the main public square within the masterplan. The building will provide a visual landmark to the space and the view east along the central avenue. In both instances the 7 storey buildings are located on public spaces to provide their scale with a setting.

The blocks of flats are designed using a common pallet of details and materials. The main material is brick with large, full height window openings within deep recessed reveals. The two 7-storey blocks incorporate metal elements running up the full height of the building on the end elevations. Windows and recessed balconies are groups on the top two floors of the buildings to create a double height feeling to the building and help respond to the overall scale of the blocks. Projecting metal and

glass balconies are used on the lower floors of these blocks and also on the lower 4 storey blocks. On the internal elevations to the central communal garden a second tone of brick is introduced on the projecting elements to the blocks.

The houses along Green Lane are positioned to follow the gentle curve of the street. As a result of the existing level change and the existing TPO trees on the southern side of Green Lane, the houses are positioned above the level of the street and set back from the existing pavement. A landscaped area is provided in between the houses and the street within which existing Oak trees are retained. New gently sloping footpaths are provided through this area to provide pedestrian access to the houses.

The houses are designed with pitched, slate tiled roofs. Within each terrace the houses alternate between 2-storey and 3-storey, with the 3-storey houses projecting above the eaves line. Projecting glazed boxes are provided over the entrances providing further articulation and interest. On the rear elevation the 3-storey houses incorporate dormer windows in the roofslope to provide the second floor accommodation. Large window openings provide good natural light in the houses and create a lightweight feel to the brick facades. Rainwater goods are provided within recesses in the brickwork to provide a sleek finish. Each of the houses has a small front garden and their own 10m deep private rear garden which backs onto, and provides direct access to, the central communal garden within the block.

Conclusion for Design and External Appearance

The detailed design and appearance of the buildings proposed in Zones 2B, 4, 5B and 7 are considered to represent high quality design appropriate for the development. The architectural styles of the different zones have been prepared and considered in the context of the overall masterplan to ensure that they provide variety without jarring with each other. The designs will provide new contemporary buildings fit for the 21st century whilst respecting certain traditional characteristics of London housing. The proposed palette of materials will be secured through condition, but the proposals to use predominantly brick is considered appropriate and, along with good detailing, will ensure that the buildings will be durable.

3.5 Landscaping

This section considers the reserved matter of landscaping for each of the character zones to which this application relates.

Zone 2

Zone 2B provides a continuation of the landscape treatment already approved for Zone 2A in relation to the central courtyard within the zone and the main avenue that runs through the development.

The central courtyard is a semi-public/communal area. The gardens of the ground floor flats back onto this space and it also provides pedestrian access to each of the blocks. The courtyard is divided up into a series of smaller, more intimate garden spaces by timber pergolas and raised planters. This area is accessible to the public but is designed so as not to encourage it to become a thoroughfare. The courtyard will be connected to the public square to be located to the west of this phase, by a series of landscaped steps.

The central avenue is a public tree lined street which forms the main route through the Stonegrove masterplan. This area will be predominantly hard landscaped using materials acceptable for public adoption by the Council. The avenue includes new trees to be planted within the footpath of the adopted highway. Varieties of hedgerow and farmland trees which have been adapted for urban planting are proposed to create a direct link with the greenbelt to the north.

Zone 4

Each of the houses within this zone has a private garden either in the form of a traditional rear garden for the terraced houses or a courtyard garden for the detached houses. The houses with courtyard gardens are supplemented with a private terrace over the car parking space. This combined area complies with the amenity space standards.

In addition to the private gardens there are several publicly accessible amenity spaces provided throughout the wider masterplan. Whilst not in this phase, a new 230m long linear park running East/West between Stonegrove and Sterling Lane will be provided immediately adjacent to this phase. It provides a range of functions including green space, early years play space, a place to sit and meet neighbours and a place to promenade through. The park is divided into five sub areas, defined by the footways which connect from the street and car park spaces to the houses lining the Northern boundary. The park spaces are mostly lawn and low ground cover planting so that the space is open and visibility is maintained throughout.

The main landscaping proposals within Zone 4 relate to the proposed new streets where houses will have private front gardens defined by low hedges. Planted borders between houses and in front of windows will also be provided. Houses will have threshold paving space to allow residents to place planted pots. Due to constraints with adoptable standards for public highways, trees will be planted in private front gardens at the back of the footway.

Zone 5B & 7

The landscape treatment for Zones 5B and 7 comprises the central communal garden, the private gardens to the houses, the soft landscape buffer along Green Lane and the hard landscape along Academy Lane.

The central communal garden space is accessible from all houses and flats which surround it. The landscape design addresses the drop in level from west to east through a series of terraces and sloped planting. Areas of grass with play features and seating are linked by meandering footpaths. Smaller native trees and flowering fruit trees are proposed in this area. Buffer planting is provided around the lower floors of the buildings where they meet the garden area.

The landscape buffer along Green Lane provides a naturalistic area within which existing TPO Oak trees are retained and supplemented with new Oak trees.

Academy Lane along the eastern boundary of the London Academy is proposed to be a shared surface street that will not be adopted by the Council. This street and the other shared surface entrance to the north of this zone comprise hard landscaping with more formal lines of trees. At the south western end of Academy Lane a large TPO Oak tree and three other trees will be retained and these will provide an important setting for the new buildings and the adjacent public square.

Each of the houses is provided with a private garden while each flat is provided with a private balcony or terrace. This, combined with the central communal garden provides sufficient amenity space for the residents.

Amenity Space Provision

The outline planning permission provided on-site amenity space in the following formats:

- Private rear gardens;
- Private balconies for flats;
- Semi-private communal gardens for flats;
- Publicly accessible squares and courtyards;
- Homezone/Shared Surface space;

The minor amendments to the overall Masterplan have resulted in an increase in houses with private gardens specifically within the southern half of the Masterplan Zones 3 and 4, as also in Zone 7 along Green Lane.

In terms of specific amenity provision, 13,500m² of private rear garden space was previously provided for the houses on site. This has now increased to an overall total of 21,489m². Correspondingly the amount of communal amenity space has marginally decreased to reflect the switch from flats to houses, whilst the public open space across the site has remained at broadly the same level.

Within the zones which are subject to this reserved matters application amenity space provision, in accordance with the formats set out above, can be broken down as follows:

- Zone 2B - 600m² private, 600m² communal and 2,037m² public;
- Zone 4 - 3,776m² private;
- Zone 5b & 7 - 2,137m² private, 2,433m² communal and 4,359m² public.

Conclusion for Landscaping

The proposed landscape layout and design for each of the zones within this application are considered to be acceptable and in accordance with the principles established by outline masterplan. The scheme will provide adequate levels of private, communal and public amenity space for the residents.

The palette of external landscape materials will build on those that have been used in the earlier phases of the development to provide continuity in the public realm. Final details of planting species and other details will be submitted in due course under Condition 33 of the outline planning application which states:

'Prior to the commencement of development for each phase as shown on the approved Phasing Plan the approved phasing plan ref: 10930 MP 46 - Rev.C dated 25 August 2011 (or any subsequent amendments to it that have been agreed in writing by the local planning authority) a scheme for hard and soft landscaping (in general conformity with the Rummey Design 'Trees, Planting and Biodiversity Strategies' document Revision A dated August 2007 submitted as part of this planning application) for that phase shall be submitted to and approved in writing by the local planning authority. The details of landscaping shall include the following:

- *The position and spread of all existing trees, shrubs and hedges to be retained;*
- *Details of any proposed topping or lopping of any retained tree;*
- *A plan showing the location of, and allocating a reference number to, each existing tree which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;*
- *Details of the species, diameter (measured in accordance with paragraph (iii) above, and the approximate height, and an assessment of the general state of health and stability, of each retained tree;*
- *New tree and shrub planting including species, plant sizes and planting densities;*
- *Means of planting, staking and tying of trees, including tree guards;*
- *Existing contours and any proposed alterations such as earth mounding;*
- *Areas of hard landscape works including paving and details, including samples, of proposed materials;*
- *Trees to be removed;*
- *Details of how the proposed landscaping scheme will contribute to wildlife habitat (ranging from ground cover to mature tree canopy), to the satisfaction of the Local Planning Authority;*
- *Timing of planting within each phase.'*

The above details will have to be submitted and approved by Officers prior to the commencement of the development in each of the zones considered under this application.

3.6 Residential Standards

Policy 3.5 of the London Plan requires the design of all new dwellings to meet dwelling space standards which are set out in Table 3.3 of the plan.

Whilst it is not a specified requirement of the outline planning consent, all of the proposed flats and houses across the zones covered by this application meet or exceed the London Plan space standards. The development will therefore deliver large units and provide high quality living accommodation.

As with the original Masterplan, all proposed units within the remaining phases will be designed to Lifetime Homes Standards including those which are the subject of this reserved matters application (Zone 2, 4, 5b and 7).

3.7 Access, Traffic and Parking

The site is located in the north-west corner of the borough between the A5 Stonegrove, A410 Spur Road and A41 Edgware Way which are part of the Strategic Road Network. The site is accessible by public transport with bus routes (107 & 142) located within a short walking distance from the site on both the A5 Stonegrove and

on the A410 Spur Road. In addition Stanmore and Edgware underground stations are within walking distance of the site.

The site has a PTAL (Public Transport Accessibility Level) of between 1a and 2. Character Zones 5B and 7 were assessed as 1a while Character Zone 4 was assessed to be 2.

Access

Access was approved as part of the outline application. Vehicular access to the overall development will be via a number of points including a new priority junction on the A5 (Stonegrove) north of Pangbourne Drive and left-in / left-out junction onto Spur Road as well as the existing access points on Green Lane and Kings Drive. Compliance with the access parameters has been addressed in Section 3.3 of this report and it has been shown that the zones being considered under this current application are in compliance with the original outline consent.

Zone 4 includes two new roads that are to be adopted by the Highways Authority. These will need to be constructed to adoptable standards in terms of layout and construction. The adoptable road layout is highlighted on various drawings submitted as part of this application including the Transport Statement. All roads in these character zones will also need to be designed to accommodate refuse and emergency vehicles regardless whether roads are adopted or not by the Council. The access roads leading to the substation are also designed to accommodate large vehicles proposed to enter these areas. Swept paths have been provided to demonstrate that adequate vehicle movements can take place on all of the roads throughout the zones submitted in this application. This includes an appropriate servicing route to the substation with swept paths confirming low loader type articulated Lorries can manoeuvre to and from the station.

The detailed design of these adoptable roads will be subject to a Section 38 agreement under the Highways Act (1980). However, initial discussions have taken place with Highways Officers regarding the specifications of pavement width, carriageway width, materials and tree locations. Details of all new junctions within these zones will also be submitted under Condition 10 of the outline planning consent (H/03635/11).

The vehicular access to Character Zones 5B & 7 is via Green Lane which is an existing adopted highway. Green Lane will remain unchanged by the development proposals except where new vehicular crossovers are created to serve the entrances to the car parks for the blocks. There are no roads offered for adoption in these zones. The new roads within these Zones will remain private and these mainly form access routes to underground basement car parks. These roads will be designed to give pedestrians and cyclists more priority. The highway layout will still be designed to accommodate refuse and emergency vehicles.

The vehicular access for Zone 2B will be via the central avenue which will be offered for adoption. The basement car park is accessed by a ramp off Canons Way which is a non-adopted road. This is in full accordance with the original masterplan.

It is noted that, the refuse collection proposals are designed in accordance with Council's guidance notes "Information for developers and architects – provision of domestic and organic waste collection services, and recycling facilities". Access roads within the development have been designed to accommodate refuse vehicles

but these will remain private and not adopted by the Highways Authority. An indemnity agreement will be required between the Council and the applicant to enable the refuse & recycling vehicles to accessing non adopted areas.

Refuse collection details have been submitted for each of the zones and have been designed in accordance with Council's guidance notes "Information for developers and architects – provision of domestic and organic waste collection services, and recycling facilities".

The proposal is considered to provide acceptable vehicular and pedestrian access in accordance with the parameters established by the Outline approval.

Traffic Impact

It is considered that the extra vehicle movements likely to be generated by the zones that are the subject of this application can be accommodated within the capacity that currently exists on the highway network within the vicinity of the development.

A detailed Transport Assessment (TA) was submitted with the outline planning application which established vehicular trip rates for the development. The TA for the overall redevelopment of Stonegrove and Spur Road Estates concluded there would be an increase in vehicle trips on the local highway.

To mitigate this increase a contribution of £135,000 was secured through the Section 106 agreement at the Outline application stage towards alterations and improvements to the highway in the vicinity of the site. Following initial investigation and surveys, the Highways Authority is now proposing to introduce a new right turn pocket on Spur Road by the Canons Corner roundabout into the petrol filling station. This would assist in improving safety and the flow of traffic at this location. Localised carriageway widening will be carried out to facilitate the extra pocket.

In conjunction with these minor carriageway widening, resurfacing works for Spur Road are planned for the early part of 2013. There are also Section 278 improvements to be undertaken on Spur Road at its junction with Amias Drive, which involves the introduction of a median island.

These improvements, combined with the implementation of the Travel Plan for the development, were considered sufficient at the time to serve to mitigate the adverse impact of the overall development.

Parking

The Outline planning permission for the development restricts the car parking across the site to a maximum to 1,000 spaces. This includes a 1:1 ratio for residential units across the site, additional parking spaces for the largest houses and visitor parking spaces.

Parking is provided to all houses in Zone 4 in either the form of a driveway, garage or covered car port. Within this zone, some of the houses have two car parking spaces where there is a driveway space in addition to their garage or car port.

The houses in Zone 7 each have a dedicated parking space within the basement car park below Zone 5B and 7 with their own private access to the basement from within the house.

Within the zones which are subject to this reserved matters application, a total of 313 marked car parking spaces are provided for 295 residential units. This comprises the following:

- Zone 2B - 97 car parking spaces for 97 units;
- Zone 4 - 79 car parking spaces for 61 units;
- Zone 5B and 7 - 137 car parking spaces for 137 units.

The number of car parking spaces is considered appropriate and complies with the overall maximum of 1,000 spaces specified in the outline planning consent. A condition is recommended which requires the applicant to submit a Car Parking Management Plan prior to the occupation of each phase.

Large areas of secure cycle storage has been provided throughout the scheme, resulting in a ratio of 1 space per unit. As part of this reserved matters application, cycle parking is provided in the basement of Zones 2B, 5B and 7 and secure ground level areas within the gardens to the houses in Zone 4. There has been no change to the cycle parking strategy as a result of the overall Masterplan amendments, and this reserved matters submission is in accordance with the outline planning permission.

Related Highways Conditions

In addition to the information submitted under this reserved matters application, the following detailed information is still required to be submitted and approved for this zone under conditions attached to the Outline approval:

Condition 10 - details of vehicular access points into the internal highway layout within the development for each phase to be agreed with the LPA.

Condition 11 - details of the car parking spaces and turning spaces for each phase to be agreed with the LPA.

Condition 12 - details of traffic calming measures for managing the road network within a particular zone to be agreed.

Condition 17 – requires works to be undertaken to existing adopted highways within each phase to be agreed with the LPA.

Condition 19 – requires the highway to serve dwellings in each phase of the development to be constructed in accordance with scheme to have been approved by the LPA.

Condition 22 - a scheme for the provision of facilities for the secure storage of cycles for each phase

Condition 59 and 60 - refuse storage arrangements and a collection regime

These details will be submitted in due course and dealt with separately by officers under delegated powers.

3.8 Other Relevant Conditions

The outline planning permission is subject to a significant number of additional conditions covering details such as drainage, car parking layout, detailed landscaping, archaeology and construction methodology.

Design Code

Condition 2 of the outline planning permission requires the following:

'Prior to the submission of reserved matters, being scale, appearance and landscaping (hereafter called the reserved matters) for each phase as identified on approved phasing plan ref: 10930 MP 46 - Rev.C dated 14 January 2008 (or any subsequent amendments to it that have been agreed in writing by the local planning authority), design codes shall be submitted to and approved in writing by the local planning authority. Each design code and shall be substantially in accordance with the Stonegrove and Spur Road Estate :Design Statement dated August 2007 and shall include:

- *A three dimensional masterplan of that phase and its adjoining phases that shows clearly the intended arrangement of spaces and buildings, including massing, orientation, distribution of uses, densities, building lines and spaces;*
- *The design principles for that phase including information on dwelling types, palette of materials, parking, and information on the protection of residential amenity including privacy and overlooking;*
- *An assessment showing that each phase has been designed to accord with the BRE "Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice"; and*
- *An assessment against the criteria established by Secure by Design and the Council's SPG "Designing to Reduce Crime".'*

A design code has been submitted and approved for the remaining phases of the development (application reference H/02172/12) The Code sets out urban design principles for the ongoing design development of the site and covers issues such as street layout, block principles, massing, building height, hierarchy of public spaces and public realm principles, car parking strategies, boundary treatment and building materials and details.

The applicants also submitted a Daylight, Sunlight and Overshadowing report prepared by Brooke-Vincent and Partners (BVP) consultants to accompany the design code. The report demonstrates how the buildings within the remaining phases of the masterplan comply with the BRE guidelines for daylight and sunlight and shows that there is no significant overshadowing of buildings within the zone or neighbouring properties.

Sustainability

The Sustainability Initiatives and Energy Strategy for the overall site remain as previously approved at the outline stage.

All of the dwellings in the overall redevelopment of Stonegrove will be built to Code for Sustainable Homes Level 3 standards as is specified in Condition 58.

The overall development has been designed to minimise its impact on the environment with a particular emphasis on using less energy. The regeneration includes the provision of an Energy Centre which will provide the heating and hot water requirements of the homes throughout the development. The Energy Centre will generate electricity using a Combined Heat and Power (CHP) which is then sold back to the grid. The excess heat from this process provides heating for hot water and space heating for the development.

The Energy Centre is now proposed to be located within the southern end of Zone 5B. This relocation is necessary due to the phasing and build-out of the overall scheme and the requirements for improved access to the Energy Centre for future maintenance and connections. The aim of this proposal is to ensure less disruption to the proposed residential accommodation by improving the ease by which vehicles are able to access the Energy Centre for maintenance purposes driving straight in from Green Lane. As a result of the decision to move the Energy Centre to Zone 5B it will be provided in the next phase of the development to be constructed.

3.9 Compulsory Purchase Order

In order to carry out the regeneration of Stonegrove and Spur Road Estates the Council decided to make a Compulsory Purchase Order (CPO) to secure the remaining properties and land within the regeneration masterplan. A CPO is a formal legal process that helps to ensure that redevelopment can go ahead, by giving the Council the power to compulsorily purchase property and land identified in the CPO, if it cannot be bought by private agreement.

On 6th December 2011 the Council made the Order and notices were then served to all known persons who had an interest affected by the CPO on 8th December 2011. This notice informed all persons that they could object to the CPO. There were originally four objectors to the CPO but all objections were withdrawn and the Department for Communities and Local Government advised the Council that it could self confirm the order on the 10th September 2012. The Council confirmed the CPO on the 9th October 2012 and will serve notices to all known persons who have an interest affected by the CPO on the 18th October 2012.

Leaseholder interests are continuing to be bought by agreement. Only if this is unsuccessful will the council use its CPO powers as a last resort. If this is the case, the council will acquire properties by making a General Vesting Declaration to acquire the remaining interests.

As a result of the successful confirmation of the CPO, the Council can ensure that the land required for the remainder of the development can be made available when it is required, thereby securing the completion of the regeneration.

4. EQUALITIES 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;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

Residents of the Stonegrove and Spur Road estates were involved in the preparation and design of the masterplan from the outset. Resident participation and engagement has been at the heart of the proposals and has been carried through each phase delivered to date.

This reserved matters application will enable the Council and Barratt Homes to continue to deliver the regeneration of Stonegrove and Spur Road estate which will provide greatly improved standards of housing for residents. The regeneration scheme will provide a new area of mixed tenure housing and will make this part of the Borough a better place to live, leading to improved community cohesion in an area with a highly diverse population.

The new buildings proposed as part of the application will be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. For example all of the homes within the scheme are designed to meet Lifetime Homes standards. The scheme promotes access to wheelchair users and guests. All entrances to each building are through level thresholds. Links between floors are provided via DDA compliant staircases and lifts. 10% of the homes are required to be wheelchair accessible or easily adaptable for wheelchair use.

The proposals are considered to meet the requirements for establishing a high quality inclusive design, providing an environment which is accessible to all and which can be maintained over the lifetime of the development. It is considered by officers that the submission is acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Zones 2B, 4, 5B and 7 will deliver 295 new homes within the Stonegrove and Spur Road estates regeneration. This will comprise a mix of private sale, shared ownership and affordable rented units.

The reserved matters of detailed design and appearance and landscaping for these zones have been assessed and it is considered that the proposals will deliver high quality, sustainable, spacious residential accommodation within designs that are befitting of a 21st century regeneration project. The contemporary architectural approach is considered to be appropriate whilst the scale and form of the buildings respect the surrounding residential context. The use of brick throughout these zones phase will provide a robust material as well as continuity across the overall masterplan. The overall layout and design of the buildings and landscape is considered to create a high quality residential environment and enhanced public realm.

The application has also considered a number of adjustments and amendments to the masterplan for the development and it has been concluded that these are acceptable. The plans submitted for Zone 2B, 4, 5B and 7 are considered to be substantially in accordance with the parameters established by the outline consent approved under reference W13582/07 and extended by reference H/03635/11.

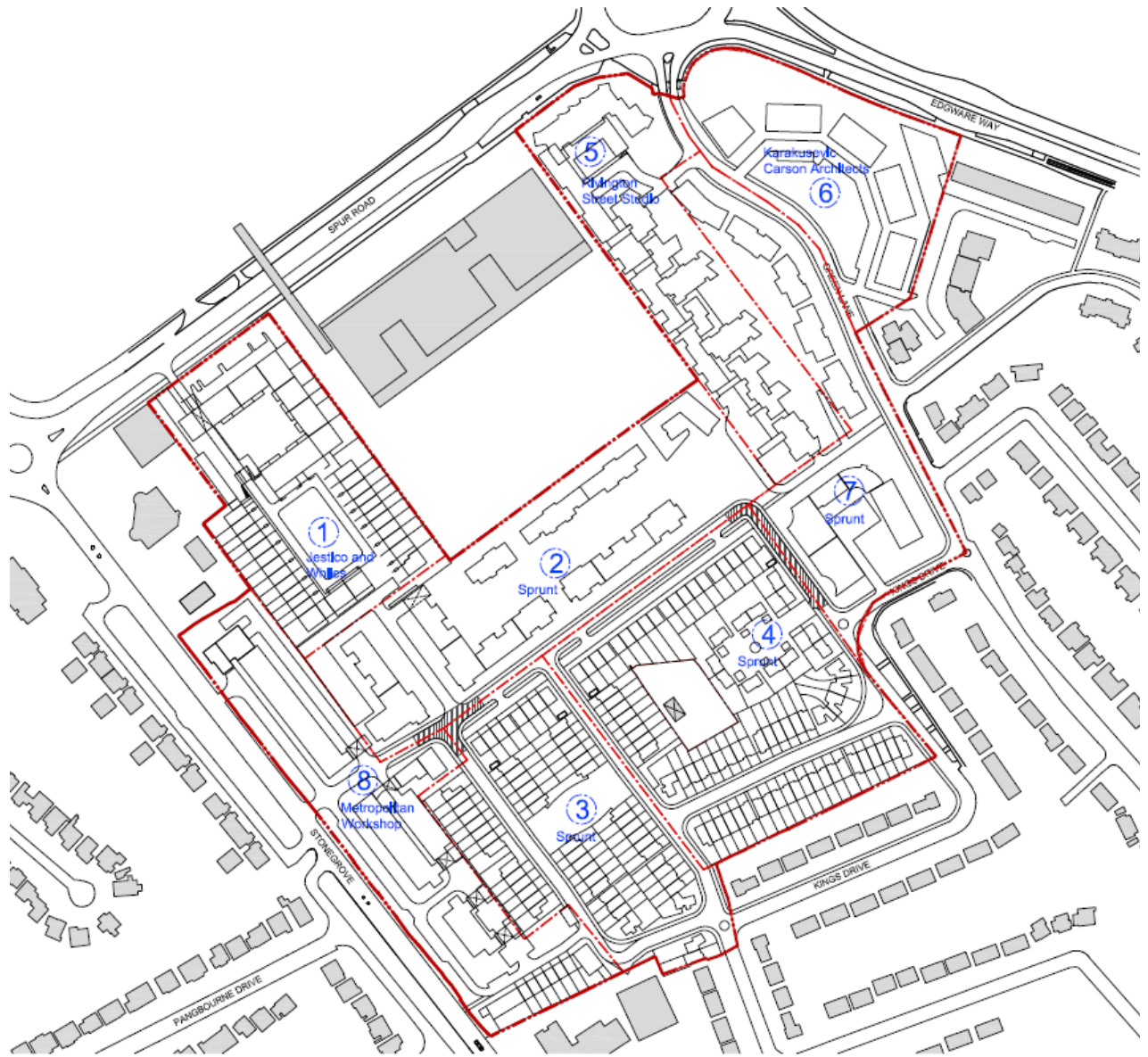
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Adopted Barnet UDP, The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposals for Zone 2B, 4, 5B and 7 are substantially within the parameters established by the outline planning consent. The application generally and taken overall accords 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 – Phases Approved to Date



APPENDIX 2 – Character Zones

Original Masterplan showing the 8 different Character Zones





APPENDIX 3 – Programme of development approved to date including this application

Zone	No. Units	Social / Affordable Rented	Shared Ownership	Private Sale	Date Approved	Status
Outline Consent	937	280	137	520	October 2007	Approved
Zone 1	116	65	13	38	October 2007	Complete and occupied
Zone 6	98	45	17	36	September 2009	Complete and occupied
Zone 5A	67	0	0	67	February 2010	Complete and partly occupied
Zone 2A	107	107	0	0	Approved March 2011	Under construction
Zone 2B	97	0	52	45	Current	Yet to be started
Zone 4	61	0	0	61	Current	Yet to be started
Zone 5B & 7	137	41	0	96	Current	Yet to be started
Total Units to date (including this application)	683	258	82	343		
Units Remaining	254	22	55	177		

APPENDIX 4 – Location of the Energy Centre



-  Original Location
-  Revised Location

APPENDIX 5 – London Plan Residential Space Standards

Table 3.3 from the London Plan - Minimum space standards for new development

	Dwelling type (bedroom (b)/persons-bedspaces (p))	GIA (sq m)
Flats	1p	37
	1b2p	50
	2b3p	61
	2b4p	70
	3b4p	74
	3b5p	86
	3b6p	95
	4b5p	90
	4b6p	99
	2 storey houses	2b4p
3b4p		87
3b5p		96
4b5p		100
4b6p		107
3 storey houses	3b5p	102
	4b5p	106
	4b6p	113

APPENDIX 6 - KEY POLICY CONTEXT AND ANALYSIS

Table 1: Analysis of the proposals compliance with London Plan (July 2011) Policies

Policy	Content Summary	Extent of compliance and comment
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.	Compliant: The proposal is considered to constitute sustainable development and will contribute towards the regeneration of one of the Council's priority housing estates.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.	Compliant: The proposal would provide 295 new homes contributing towards strategic housing targets for Barnet and London.
Policy 3.5 (Quality and design of housing developments)	<p>Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan.</p> <p>The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.</p>	<p>Compliant: The application is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the developments relationships with neighbouring buildings and spaces and provides a scheme of appropriate design quality.</p> <p>The new dwellings proposed would all achieve the relevant London Plan minimum space standards.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.	Compliant: The proposal provides sufficient quantities of space for play and informal recreation. Within the communal courtyards in Zone 2b and 5B&7 play space is incorporated into the proposed landscape. The provision of play space has been considered at the outline application stage across the wider masterplan.
3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including:</p> <ul style="list-style-type: none"> • New developments should offer a range of housing sizes and types. • All new housing should be built to Lifetime Homes standard. • 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users. 	<p>Compliant: The proposed development is considered to provide an appropriate mix of dwelling types and sizes.</p> <p>All of the units would be built to achieve the Lifetime Homes Standard and 10% of the units would be designed to be wheelchair accessible, or easily adaptable for wheelchair users.</p>
Policy 3.9 (Mixed and balanced communities);	Communities mixed and balanced by tenure and household income should be promoted across London.	Compliant: The proposals will contribute to the objective of creating a new, mixed and balanced community comprising new private sale homes as well as affordable housing that will bring social, economic and environmental benefits to the surrounding area.

<p>Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);</p>	<p>Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.</p> <p>The Mayor will seek to ensure that developments meet the following target for CO₂ emissions, which is expressed as year improvements on the 2010 Building Regulations:</p> <p>2010 to 2013: 25% (Code for Sustainable Homes level 4);</p> <p>Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).</p>	<p>The Sustainability Initiatives and Energy Strategy for the overall site remain as previously approved at the outline stage.</p> <p>All of the dwellings in these zones will be built to Code for Sustainable Homes Level 3 standards as is specified in Condition 58 on the outline consent.</p> <p>The overall development has been designed to minimise its impact on the environment with a particular emphasis on using less energy. The overall development includes the provision of an Energy Centre which will provide the heating and hot water requirements of the homes throughout the development. This will be delivered in Zone 5B.</p>
<p>Policy 5.3 (Sustainable design and construction)</p>	<p>Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.</p>	<p>Compliant: The proposal includes a range of elements and measures to achieve an appropriate level in respect of sustainable design and construction, provide an acceptable standard of environmental performance and adapt to the effects of climate change. This includes the new dwellings achieving Code for Sustainable Homes level 3.</p> <p>The development is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that this is carried through to implementation.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>	<p>Compliant: The overall development includes the provision of an Energy Centre which will provide the heating and hot water requirements of the homes throughout the development. This will be delivered in Zone 5B.</p>
<p>Policy 5.7 (Renewable energy); Policy</p>	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p>	<p>Compliant: The overall development includes the provision of an Energy Centre which will provide the heating and hot water requirements of the homes throughout the development. This will be delivered in Zone 5B. The Energy Centre was originally proposed to be fuelled by Biomass to achieve the renewable energy objectives.</p>
<p>Policy 5.10 (Urban greening);</p>	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p>	<p>Compliant: These zones of the development include the provision of new trees as well as areas of open space which will include grass and planted areas.</p>
<p>Policy 5.12 (Flood risk management);</p>	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p>	<p>Compliant: The proposal is compliant with the Flood Risk Assessment that was approved for the outline planning consent. The Environment Agency have</p>

		not raised any objections to the proposal.
6.9 (Cycling); 6.10 (Walking)	Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists. Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.	Compliant: Officers consider that the scheme proposes a suitable quality of pedestrian environment and the proposal would provide appropriate levels of facilities for cycles and cyclists.
6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.	Compliant: The proposal is considered to demonstrate the influence of this policy. The level of car parking proposed is in accordance with the outline planning consent.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.	Compliant: The proposal includes a number of elements to meet the requirements of this policy and the Metropolitan Police Service has confirmed that they are satisfied with the proposals.
7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be included in developments.	Compliant: The proposal would result in the removal of trees but adequate replacement planting has been proposed.

Table 2: Analysis of the proposals compliance with Barnet UDP (May 2006) Saved Policies

Policy	Content Summary	Extent of Compliance and Comment
GSD (Sustainable development)	Ensure development and growth is sustainable.	Compliant: It is considered that this development demonstrates the influence of this policy and achieves the overall requirements of this policy.
GBEEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> Enhance the quality and character of the built and natural environment. Require high quality design. Provide a safe and secure environment. 	Compliant: The application demonstrates the influence of this policy and will produce a development with an appropriate design response. Officers consider that the design principles that underpin the application fulfil the key criteria of these policies.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> Be of high quality design Be sustainable Ensure community safety 	Compliant: The application demonstrates the influence of this policy and would produce a development with high quality design.
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.	Compliant: The proposals accord with the height and layout parameters of the outline planning consent and are considered to respect the character and scale of the surrounding area and will enhance this through the removal of the existing blocks across the estate and replacement with new high quality housing.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.	Compliant: The design of the new streets and spaces in and around the development would enhance the application site and be in keeping with the character of the overall area.

D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.	Compliant: The design and siting of the development is such that it would fulfil the requirements of this policy in respect of both adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.	Compliant: The design approach proposed is considered to provide a good level of visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.	Compliant: The submission is considered to demonstrate the influence of this policy and be compliant with the key elements of this policy. The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any objections to the proposals.
D11 (Landscaping); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting 	Compliant: The landscape design of new public streets and private communal gardens within the application zones address the key objectives of this policy.
M1 (Transport Accessibility)	The council will expect major developments with the potential for significant trip generation to be in locations which are, or will be made, accessible by a range of modes of transport.	Compliant: The development is considered to have an appropriate degree of accessibility. The trip rates and traffic impact were assessed and accepted at the outline application stage.
M2 (Transport impact assessments)	The council will require developers to submit a full transport impact assessment.	Compliant: A suitable Transport Statement has been submitted with the application. This assesses the transport impacts of the development and demonstrates that the development can be satisfactorily accommodated on the site.
M3 (Travel plans)	For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan.	Compliant: A Travel Plan will be prepared for the development in accordance with the obligations contained within the s106 agreement for the scheme.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.	Compliant: Subject to the controls in place under conditions recommended the development is considered to provide appropriate facilities and access for the development.
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	<p>The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.</p> <p>The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The council will expect developers to</p>	<p>Compliant: The design of the development is considered to take full account of the safety of all road users and would not unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The proposal is considered to demonstrate that acceptable and safe access for all road users, including pedestrians would be provided to the site.</p>

	provide safe and suitable access for all road users (including pedestrians) to new developments.	
M14 (Parking standards)	The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be: <ul style="list-style-type: none"> • 2 to 1.5 spaces per unit for detached and semi-detached houses; • 1.5 to 1 spaces per unit for terraced houses and flats; and • 1 to less than 1 space per unit for development consisting mainly of flats. 	Compliant: The proposal is considered to demonstrate the influence of this policy. The level of car parking proposes is in accordance with the outline planning consent.
H16 (Residential development - character)	Residential development should: <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. • Be well laid out. • Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space. 	Compliant: The proposals accord with the height and layout parameters of the outline planning consent and are considered to respect the character and scale of the surrounding area and will enhance this through the removal of the existing blocks across the estate and replacement with new high quality housing. The proposals are considered to comply with all aspects of this policy.
H17 (Residential development – privacy standards)	Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking.	Compliant: Subject to the conditions recommended the proposal includes design measures which would provide adequate privacy and prevent overlooking for future and neighbouring occupiers.
H18 (Residential development – amenity space standards)	The minimum provision of amenity space for new residential schemes is 5m ² per habitable room for flats and 70m ² for houses with 6 habitable rooms. Proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided.	Compliant: The flats proposed have been provided with a mixture of communal and private amenity space of sufficient size to meet the requirements of this policy. Each house has a private garden, however some houses fall below the garden area standards. Where this is the case houses have access to new public open space within the development. This is considered acceptable when weighed against the regeneration objectives of the development. The scheme includes the following space: <ul style="list-style-type: none"> • Zone 2B - 600m² private, 600m² communal and 2,037m² public; • Zone 4 - 3,776m² private; • Zone 5b & 7 - 2,137m² private, 2,433m² communal and 4,359m² public.
H20 (Residential development – public recreational space)	Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.	Compliant: The overall masterplan will provide new pocket park and public square. Communal gardens and courtyards are provided in Zone 2B and 5B/7 which will incorporate opportunities for children’s play.

Table 3: Analysis of the proposals compliance with Barnet's Local Plan Policies (September 2012)

Policy	Content Summary	Extent of Compliance and Comment
Core Strategy		
CS NPPF (National Planning Policy Framework – presumption in favour of sustainable development)	Take a positive approach to proposals which reflects the presumption in favour of sustainable development and approve applications that accord with the Local Plan, unless material considerations indicate otherwise. Where there are no policies relevant to the proposal or the relevant policies are out of date permission should be granted, unless material considerations indicate otherwise.	Compliant: the proposal is considered to constitute a sustainable form of development which complies with the relevant policies in the Local Plan. It has therefore been recommended for approval.
CS1 (Barnet's place shaping strategy – the three strands approach)	As part of its 'Three Strands Approach' the council will: <ul style="list-style-type: none"> - Concentrate and consolidate growth in well located areas that provide opportunities for development, creating a high quality environment that will have positive impacts. - Focus major growth in the most suitable locations and ensure that this delivers sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live, work and visit. 	Compliant: The application complies with the Growth strand of the Three Strands Approach and will deliver the regeneration of one of the Council's identified priority housing estates.
CS4 (Providing quality homes and housing choice in Barnet)	Aim to create successful communities by: <ul style="list-style-type: none"> - Seeking to ensure a mix of housing products that provide choice for all are available. - Ensuring that all new homes are built to the Lifetime Homes Standard and that the wider elements of schemes include the relevant inclusive design principles. - Seeking a variety of housing related support options. - Delivering 5500 new affordable homes by 2025/26 and seeking a borough wide target of 40% affordable homes on sites capable of accommodating 10 or more dwellings. - Seek an appropriate mix of affordable housing comprising 60% social rented housing and 40% intermediate housing. 	Compliant: The proposals will contribute to the objective of regenerating Stonegrove and Spur Road estates by creating a new, mixed and balanced community comprising new private sale homes as well as affordable housing that will bring social, economic and environmental benefits to the surrounding area.
CS5 (Protecting and enhancing Barnet's character to create high quality places)	The council will ensure that development in Barnet respects local context and distinctive local character, creating places and buildings with high quality design. Developments should: <ul style="list-style-type: none"> - Address the principles, aims and objectives set out in the relevant 	Compliant: The proposals accord with the height and layout parameters of the outline planning consent and are considered to respect the character and scale of the surrounding area and will enhance this through the removal of the existing blocks across the estate and replacement with new high quality housing.

	<p>national guidance.</p> <ul style="list-style-type: none"> - Be safe attractive and fully accessible. - Provide vibrant, attractive and accessible public spaces. - Respect and enhance the distinctive natural landscapes of Barnet. - Protect and enhance the gardens of residential properties. - Protect important local views. - Protect and enhance the boroughs high quality suburbs and historic areas and heritage. - Maximise the opportunity for community diversity, inclusion and cohesion. - Contribute to people's sense of place, safety and security. 	
CS9 (Providing safe, efficient and effective travel)	<p>Developments should provide and allow for safe effective and efficient travel and include measures to make more efficient use of the local road network.</p> <p>Major proposals should incorporate Transport Assessments, Travel Plans, Delivery and Servicing Plans and mitigation measures and ensure that adequate capacity and high quality safe transport facilities are delivered in line with demand.</p> <p>The council will support more environmentally friendly transport networks, including the use of low emission vehicles (including electric cars), encouraging mixed use development and seeking to make cycling and walking more attractive for leisure, health and short trips.</p>	<p>Compliant: The design of the development is considered to take full account of the safety of all road users and would not unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The proposal is considered to demonstrate that acceptable and safe access for all road users, including pedestrians would be provided to the site.</p>
CS12 (Making Barnet a safer place)	<p>The Council will:</p> <ul style="list-style-type: none"> - Encourage appropriate security and community safety measures in developments and the transport network. - Require developers to demonstrate that they have incorporated community safety and security design principles in new development. - Promote safer streets and public areas, including open spaces. 	<p>Compliant: The design of the proposal is considered to demonstrate the influence of this policy and be compliant with the key elements of this policy.</p> <p>The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.</p>
Development Management Policies		
DM01 (Protecting Barnet's character and amenity)	<p>Development should represent high quality design that contributes to climate change mitigation and adaptation.</p> <p>Proposals should be based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding</p>	<p>Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the developments relationships with neighbouring buildings and spaces. The scheme is found to be of a sufficiently high quality design internally, externally</p>

	<p>buildings, spaces and streets.</p> <p>Development should ensure attractive, safe and vibrant streets which provide visual interest. Proposal should create safe and secure environments, reduce opportunities for crime and minimise fear of crime.</p> <p>Development should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Lighting schemes should not have a demonstrably harmful impact on amenity or biodiversity. Proposals should retain outdoor amenity space.</p> <p>Trees should be safeguarded and when protected trees are to be felled the Council will require suitable tree replanting. Proposals will be required to include landscaping that is well laid out; considers the impact of hardstandings on character; achieves a suitable visual setting; provides an appropriate level of new habitat; makes a positive contribution to the to the surrounding area; contributes to biodiversity (including the retention of existing wildlife habitat and trees); and adequately protects existing tress and their root systems.</p>	<p>and in relation to its context and wider environment.</p> <p>The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals and the development is found to create a safe and secure environment.</p> <p>The design of the development is such that it would fulfil the requirements of this policy in respect of the amenities of both adjoining and potential occupiers and users. The scheme would provide an acceptable level of new outdoor amenity space.</p> <p>The proposal would result in the removal of trees but adequate replacement planting has been proposed.</p>
DM02 (Development standards)	Development will be expected to demonstrate compliance with relevant standards, supported by the guidance provided in the Council's Supplementary Planning Documents.	Compliant: The submission is considered to meet the relevant standards. All the dwellings would achieve Code for Sustainable Homes Level 3, meet the Lifetime Homes Standards and achieve the London Plan minimum floor space standards. 10% of the dwellings would be constructed to be easily adaptable to wheelchair accessible standards.
DM03 (Accessibility and inclusive design)	Developments should meet the highest standards of accessible and inclusive design.	Compliant: The proposal includes a range of measures to ensure that the development would provide an accessible and inclusive environment for all members of the community.
DM04 (Environmental considerations)	<p>Developments are required to demonstrate their compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the energy hierarchy.</p> <p>Where decentralised energy is feasible or planned development will provide either suitable connection; the ability for future connection; a feasibility study or a contribution to a feasibility study.</p> <p>Proposals should be should be designed and sited to reduce exposure to air pollutants and ensure that development is not contributing to poor air quality. Locating development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to</p>	<p>Compliant: The Sustainability Initiatives and Energy Strategy for the overall site remain as previously approved at the outline stage.</p> <p>All of the dwellings in these zones will be built to Code for Sustainable Homes Level 3 standards as is specified in Condition 58 on the outline consent.</p> <p>The overall development has been designed to minimise its impact on the environment with a particular emphasis on using less energy. The overall development includes the provision of an Energy Centre which will provide the heating and hot water requirements of the homes throughout the development. This will be delivered in Zone 5B.</p> <p>The proposal is compliant with the Flood Risk Assessment that was approved for the outline planning consent. The Environment Agency has not raised any objections to the proposal.</p>

	<p>locate noise sensitive development in areas with existing high levels of noise not normally be permitted. Mitigation of noise impacts through design, layout and insulation will be expected where appropriate.</p> <p>Development on land which may be contaminated should be accompanied by an investigation to establish the level of contamination. Proposals which could adversely affect ground water quality will not be permitted.</p> <p>Development should demonstrate compliance with the London Plan water hierarchy for run off, especially in areas prone to flooding.</p>	
DM05 (Tall buildings)	Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable.	Compliant: Zone 2B includes a building of 10 storeys in accordance with the heights parameter plans that were approved at the outline stage. Stonegrove and Spur Road Estate is identified as a strategic location in the Core Strategy. The overall development will result in the demolition of the existing 11 storey tower blocks across the estate.
DM08 (Ensuring a variety of sizes of new homes to meet housing need)	<p>Development should provide, where appropriate a mix of dwelling types and sizes in order to provide choice.</p> <p>Barnet's dwelling size priorities are 3 bedroom properties the highest priority for social rented dwellings, 3 and 4 bedroom properties the highest priority for intermediate affordable dwellings and 4 bedroom properties the highest priority for market housing, with three bedroom properties a medium priority.</p>	Compliant: The submission is considered to demonstrate the influence of this policy and provides an appropriate mix of dwelling types and sizes.
DM17 (Travel impact and parking standards)	<p>The Council will :</p> <ul style="list-style-type: none"> - Ensure that the safety of all road users is taken into account when considering development proposals. - Ensure that roads within the borough are used appropriately according to their status. - Expect major development proposals with the potential for significant trip generation to be in locations which are (or will be) highly accessible by a range of transport modes. Developments should be located and designed to make the use of public transport more attractive. - Require a full Transport Assessment where the proposed development is anticipated to have significant transport implications. - Require the occupier to develop, implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets. - Expect development to provide safe and suitable access arrangements for all road users. 	<p>Compliant: A suitable Transport Statement has been submitted with the application. This assesses the transport impacts of the development and demonstrates that the development can be satisfactorily accommodated on the site in accordance with the Transport Assessment that was agreed as part of the outline application.</p> <p>The design of the development is considered to take full account of the safety of all road users, includes appropriate access arrangements and would not unacceptably increase conflicting movements on the road network or increase the risk to vulnerable road users.</p> <p>The level of car parking proposes is in accordance with the outline planning consent.</p>

	<ul style="list-style-type: none">- Require appropriate measures to control vehicle movements, servicing and delivery arrangements.- Require, where appropriate, improvements to cycle and pedestrian facilities.- Parking will be expected to be provided in accordance with the following per unit maximum standards:<ul style="list-style-type: none">i. 2 to 1.5 spaces for detached and semi-detached houses and flats (4 or more bedrooms).ii. 1.5 to 1 spaces for terraced houses and flats (2 to 3 bedrooms).iii. 1 to less than 1 space for developments consisting mainly of flats (1 bedroom).- Residential development may be acceptable with limited or no parking outside a Controlled Parking Zone only where it can be demonstrated that there is sufficient on street parking capacity.	
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APPENDIX 7 - INFORMATIVES

- 1 In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010, this informative summarises the local planning authority's reasons for granting planning permission for this development and the relevant development plan policies taken into account in this decision.

In summary, the Local Planning Authority considers that the proposed development should be permitted for the following reasons:

The reserved matters of detailed design, appearance and landscaping for Zones 2B, 4, 5B and 7 have been assessed and it is considered that the proposals will deliver high quality, sustainable, spacious residential accommodation for future occupiers without causing any unacceptable harm to the amenities of neighbouring properties. The contemporary architectural approach is considered to be appropriate whilst the scale and form of the buildings respect the surrounding residential context. The use of brick throughout these zones phase will provide a robust material as well as continuity across the overall masterplan. The overall layout and design of the buildings and landscape is considered to create a high quality residential environment and enhanced public realm.

The plans submitted for Zone 2B, 4, 5B and 7 are considered to be substantially in accordance with the parameters established by the outline consent approved under reference W13582/07 and extended by reference H/03635/11. The proposals provide appropriate level of car parking in accordance with the requirements of the outline consent.

The proposals are considered to meet the requirements for establishing a high quality inclusive design, providing an environment which is accessible to all and which can be maintained over the lifetime of the development.

This application will allow the next phases of the regeneration of the Stonegrove and Spur Road housing estates to be delivered and will contribute to the objective of creating a new, mixed and balanced community comprising new private sale homes as well as affordable housing that will bring social, economic and environmental benefits to the surrounding area.

A summary of the development plan policies relevant to this decision is set out in Tables 1 and 2 below:

Table 1: Summary of the London Plan (2011) policies relevant to this decision

Policy	Content Summary
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.
Policy 3.5 (Quality and design of	Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the

housing developments)	<p>policies in the London Plan.</p> <p>The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.</p>
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.
3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including:</p> <ul style="list-style-type: none"> • New developments should offer a range of housing sizes and types. • All new housing should be built to Lifetime Homes standard. • 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users.
Policy 3.9 (Mixed and balanced communities);	Communities mixed and balanced by tenure and household income should be promoted across London.
Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);	<p>Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.</p> <p>The Mayor will seek to ensure that developments meet the following target for CO₂ emissions, which is expressed as year improvements on the 2010 Building Regulations:</p> <p>2010 to 2013: 25% (Code for Sustainable Homes level 4);</p> <p>Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).</p>
Policy 5.3 (Sustainable design and construction)	Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.
Policy 5.6 (Decentralised energy in development proposals)	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>
Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>
Policy 5.10 (Urban greening); Policy	Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.
Policy 5.12 (Flood risk management);	Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>

6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be included in developments.

Table 2: Summary of the Saved Barnet UDP (2006) policies relevant to this decision

Policy	Content Summary
GSD (Sustainable development)	Ensure development and growth is sustainable.
GWaste (Waste disposal)	Encourage principles of: <ul style="list-style-type: none"> • Waste management hierarchy • Best practical environmental option • Proximity principle.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> • Be of high quality design • Be sustainable • Ensure community safety
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.
D6 (Street interest)	New development should provide visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.
D11 (Landscaping); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting
M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	<p>The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.</p> <p>The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.</p>

M14 (Parking standards)	The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be: <ul style="list-style-type: none"> • 2 to 1.5 spaces per unit for detached and semi-detached houses; • 1.5 to 1 spaces per unit for terraced houses and flats; and • 1 to less than 1 space per unit for development consisting mainly of flats.
H16 (Residential development - character)	Residential development should: <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. • Be well laid out. • Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space.
H17 (Residential development – privacy standards)	Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking.
H18 (Residential development – amenity space standards)	The minimum provision of amenity space for new residential schemes is 5m ² per habitable room for flats and 70m ² for houses with 6 habitable rooms

2. A surface water strategy should be carried out as part of a Flood Risk Assessment (FRA) to demonstrate that the proposed development will not create an increased risk of flooding from surface water. This should be carried out in accordance with the National Planning Policy Framework and the PPS25 Practice Guidance giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

The London Plan policy 5.13 states that the mayor's preferred standards are that developers achieve Greenfield runoff rates. The mayor's essential standard is that a 50% reduction in post development runoff rates are achieved. Therefore, the FRA should address this by quantifying existing and proposed rates for the critical storm for a range of events up to the 100 year climate change event.

Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge may be appropriate. In any case the surface water strategy should clearly show that:

- Peak discharge rates from site will be reduced in accordance with policy 5.13 of the London Plan as a result of the proposed development, up to a 1 in 100 year storm with a suitable allowance for climate change.
- Discharge volumes from site will not increase as a result of the proposed development, up to a 1 in 100 year storm with a suitable allowance for climate change.
- The site will not flood from surface water up to a 1 in 100 year storm with a suitable allowance for climate change, or that any surface water flooding can be safely contained on site up to this event. There should be no flooding on site under the 1 in 30 year event. Some nominal controlled flooding of open spaces areas such as car parks will be

permitted provided that there is no risk to flooding of property or key infrastructure and it is ensured that there is no increase of offsite flows.

Any surface water strategy should try to utilise sustainable drainage techniques, in accordance with the SuDS management train (Ciria C609). Guidance on the preparation of surface water strategies can be found in the Defra/Environment Agency publication "*Preliminary rainfall runoff management for developments*".

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

3. The applicant is advised that not all of the estate roads proposed to serve this development will be adopted. Therefore, in order for the councils refuse vehicles to enter non adopted roads, the estate road(s) shall be constructed to adoptable standards. The Council requires an indemnity agreement to be signed between the Council and the applicant. For further details, please contact Traffic & Development Section – Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP.
4. The applicant is advised that the development is located near the Strategic Road Network and will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). 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. For further details, please contact Traffic & Development Section – Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP.
5. The applicant must submit a separate application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP.

6. The costs of any associated works to the public highway, including temporary traffic order making and related implementation works and reinstatement works will be borne by the applicants and carried out either under rechargeable works Agreement. The applicant must enter into a Section 278 Rechargeable Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal .Detailed design will have to be approved by Traffic & Development Section – Environment, Planning and Regeneration Directorate.
7. The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.
8. Where a developer proposes to discharge water to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

SITE LOCATION PLAN:

**Zone 2B, 4, 5B and 7 Stonegrove and Spur Road Estates, Edgware, London,
HA8 8BT**

REFERENCE: H/02475/12



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