

MEETING

PLANNING AND ENVIRONMENT COMMITTEE

DATE AND TIME

TUESDAY 18 DECEMBER, 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
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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)	
6.	Belmont Farm, The Ridgeway, London, NW7 1QT - H/01150/12	1 - 46
7.	Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9 - H/00036/12/CNA	47 - 72
8.	Phase 1a off Frith Lane, Millbrook Park (former Inglis Barracks), Mill Hill East, London, NW7 1PZ - H/03548/12	73 - 126
9.	Any item(s) that the Chairman decides is urgent	

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LOCATION: Belmont Farm, The Ridgeway, London, NW7 1QT

REFERENCE: H/01150/12

Received: 21 March 2012

Accepted: 23 April 2012

AGENDA ITEM 6

WARD: Mill Hill

Expiry: 18 June 2012

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. (AMENDED DESCRIPTION)

APPROVE SUBJECT TO SECTION 106 AGREEMENT

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, 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 Sue Broadhead 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-13a and the letter from David Lane 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 polices 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 19/02/2013, 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.

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).

The Core Strategy was adopted by the Council on September 11 2012.

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. Therefore very significant weight should be given to the 18 policies in the DMP.

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: 137

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 24 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.

Date of Site Notice: 03 May 2012

A subsequent letter has been received from the applicant on 19/10/2012.

This advises that the applicant considers that that the application should be determined with applications H/00554/12 and H/00652/12 for the conversion of the stable block to form a dwelling. However, in the opinion of officers, the applications can be considered separately, as they are separate planning applications; amended plans have been received showing no dwelling within the stable block and the application is considered acceptable on its own merits.

The applicant has advised that they consider conditions 4 and 12 unreasonable. Specifically, that the hours of use condition is unduly restrictive and that this should be 7am – 10pm Mon-Fri and 9am-10pm Sat-Sun.

This issue was assessed by the previous appeal inspector who considered that the current opening hours 8am-6pm Mon-Fri and 9am-6pm Sat-Sun were reasonable. It is recognised that the farm would be relocated to a somewhat less sensitive location however the hours proposed in the letter are considered unacceptable in terms of the impact this would have on neighbouring residents.

Furthermore the applicant has requested that seminars, workshops and conferences be able to take place. In the opinion of officers such events would have potential to cause significant harm to neighbouring amenity and highway safety.

The letter also highlights the amount of support received and that in the view of the applicant they could erect animal pens and enclosures without permission.

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 reflects 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 generated 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 appellant wishes 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/ s106 obligations.

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 (e.g. 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 concerned it unreasonable to living 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

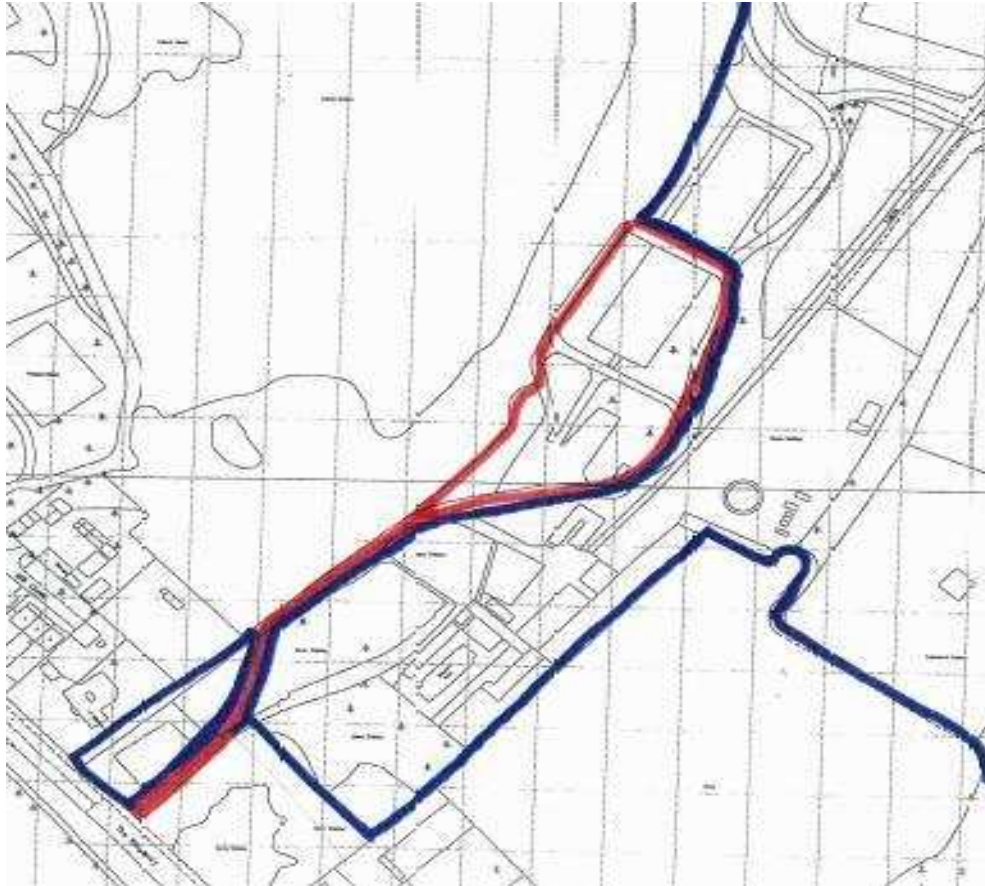
It is necessary to weigh up the above matters in reaching a conclusion.

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 LL M 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: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

REFERENCE: H/00036/12/CNA **Received:** 2nd October 2012
Accepted: 2nd October 2012 **AGENDA ITEM 7**

WARD: London Borough of Brent **Expiry:** 23rd October 2012

APPLICANT: Development Securities (Projects) Ltd.

PROPOSAL: ADJOINING BOROUGH APPLICATION PROPOSING:

A hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and: full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved). The application is accompanied by an Environmental Statement (revised October 2012).

SUMMARY:

A previous application (Barnet Planning Reference WA0126D/06) for the development of the Oriental City site was presented to the Planning & Environment Committee on the 27th September 2006. This significant scheme was eventually approved by Brent Council in 2007. A subsequent application (Barnet Planning Reference H/00015/10/CAN) to extend the time limit of the consent by another 3 years has also been approved. However, the financial viability of that scheme has proved to be problematic and the approved development is unlikely to be built out in this form.

The current application (which has been amended to include outline consent for a school and nursery since its original submission) for development of the Oriental City site is different from the previous consent in a number of important ways and as such it raises different issues. Two particularly key differences are the inclusion of a retail

foodstore (Use Class A1) and a reduction in the maximum height of building approved. In respect of consequences for Barnet the following are the main material planning considerations for this application:

- Assessment of the development in the context of the adopted Colindale Area Action Plan
- Impact of the retail element of the scheme on town centres and planned retail development within Barnet
- Impact on traffic, parking and transport infrastructure
- Impact on the streetscape of the Edgware Road
- Impact on primary school places.

The Council welcomes the re-provision of the previous use for the retailing of goods of an Oriental and Far Eastern origin. However, the London Borough of Barnet objects to the application for the following reasons.

The scale and type of retail development proposed does not accord with the requirements of the LB Brent Site Allocations DPD. There are sequentially preferable sites available as an alternative and the proposal is likely to have a significant adverse impact on town centres in Barnet (Burnt Oak and Edgware) and prejudice the planned investment in Colindale.

It is considered that the application fails to properly recognise, assess and mitigate the impacts of the development on traffic and parking, the public realm and public transport for locations within the London Borough of Barnet.

There are serious concerns over whether Brent Council are able to fund construction of the proposed school or have any other means of delivering new school places in this location. The submission makes no commitment to the building of the school and does not provide any indication of when this would be completed. There is currently significant unmet need for school places in the NW9 postcode area of Brent and children from the proposed development would add to this further. It is unclear whether the funding is available to provide educational provision for children generated from the scheme through either the new school or alternative means. Due to the proximity of the site to Brent's border with the London Borough of Barnet this is likely to have a significant impact on Barnet, where we are already experiencing significant demand for primary school places and are having to rely upon temporary solutions to meet need.

RECOMMENDATION:

That the Director of Planning of the London Borough of Brent be informed that the London Borough of Barnet objects to the proposed development on the basis that:

1. The application proposes an out of centre retail development that is found to conflict with its allocation in the LB Brent Site Allocations DPD. The London Borough of Barnet has significant concerns that the sequential assessment carried out for this application has not given adequate consideration to sequentially preferable sites in Burnt Oak District Centre and Edgware Major Centre which are suitable, available and viable. Having regard to the anticipated impact, the proposal would be contrary to the planning policy objective of bringing about more sustainable shopping patterns and would be likely to have significant adverse impacts on the vitality and viability of Burnt

Oak and Edgware Town Centres. The proposal would also be likely to prejudice the delivery of retail development planned as part of the Colindale Area Action Plan. As it is not considered that any other material planning considerations have been advanced which justify these conflicts with all levels of planning policy and the London Borough of Barnet object to the proposal on this basis.

2. It is considered that the application fails to properly recognise, assess and mitigate the impacts of the development on traffic and parking, the public realm and public transport for locations within the London Borough of Barnet.
3. There are serious concerns over whether Brent Council are able to fund construction of the proposed school or have any other means of delivering new school places in this location. The submission makes no commitment to the building of the school and does not provide any indication of when this would be completed. There is currently significant unmet need for school places in the NW9 postcode area of Brent and children from the proposed development would add to this further. It is unclear whether the funding is available to provide educational provision for children generated from the scheme through either the new school or alternative means. Due to the proximity of the site to Brent's border with the London Borough of Barnet this is likely to have a significant impact on Barnet, where we are already experiencing significant demand for primary school places and are having to rely upon temporary solutions to meet need.

In the event that the application is approved Barnet requests that the Director of Planning of the London Borough of Brent acknowledge the level of impact that would be experienced by roads, footpaths, the wider public realm and schools within the London Borough of Barnet as a direct result of the development and that an appropriate ratio of the education and highways contributions should be allocated to the London Borough of Barnet within the associated Section 106 legal agreement, following discussions with Barnet's Education, Highways and Planning Officers.

1. MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

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 which are considered to accord with the development plan.

The London Plan (July 2011)

The London Plan is the development plan in terms of strategic planning policy for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act (2004). The most relevant London Plan policies are:

(Delivering the Strategic Vision and Objectives for London); 2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.13 (Opportunity Areas and Intensification Areas); Policy 2.15 (Town Centres); Policy 3.5 (Quality and Design of Housing Developments); Policy 3.16 (Protection and Enhancement of Social Infrastructure); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector); 6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development On Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.13: (Parking); 7.1 Building London's Neighbourhoods and Communities; 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location and Design of Tall and Large Buildings); and 8.2 (Planning Obligations)

Local Plan

The Barnet Local Plan is the development plan in terms of local planning policy for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act (2004) Relevant policies include those within the Core Strategy, Development Management Policies and Colindale Area Action Plan documents:

Core Strategy (September 2012):

CS NPPF - National Planning Policy Framework – Presumption in favour of sustainable development; CS1 - Barnet's place shaping strategy – The three strands approach; CS3 – Distribution of growth in meeting housing aspirations; CS5 - Protecting and enhancing Barnet's character to create high quality places; CS6 – Promoting Barnet's town centres; CS8 – Promoting a strong and prosperous Barnet; CS9 - Providing safe, efficient and effective travel; CS10 – Enabling inclusive and integrated community facilities and uses; and CS15 Delivering the Core Strategy

Development Management Policies (September 2012):

DM01: Protecting Barnet's character and amenity; DM05: Tall buildings; DM11: Development principles in the town centres; DM13: Community and education uses; and DM17: Travel impact and parking standards

Colindale Area Action Plan (March 2010):

The Area Action Plan (AAP) for Colindale adopted in March 2010 provides a framework to guide and inform the development of the Colindale area up to 2021. It contains guidance on sustainable development, addresses land use issues and aims to ensure balanced growth through co-ordinating development interests. It also identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale.

The Colindale AAP sets out a spatial plan for the area and identifies four main opportunity areas, the 'Corridors of Change', which are focussed around Colindale Avenue, Aerodrome Road, Edgware Road and Grahame Park Way. Whilst the AAP boundary runs down the A5, the Edgware Road Corridor of Change responds to the cross borough boundary nature of this stretch of the A5 between Barnet and Brent. The AAP takes into account the development potential of the sites that are located on the Brent side of the road.

The AAP sets the following vision for the Edgware Road Corridor of Change:

The Colindale stretch of Edgware Road will become a thriving mixed-use urban corridor providing a focus for employment, housing and bulky retailing. A coordinated and high quality approach to the public realm will help establish a formal boulevard character befitting this busy and dense urban corridor. The area will provide an improved gateway to the new Colindale centre incorporating tall buildings where appropriate and involving key junction improvements to increase movement capacity and new or improved public transport provision.

This strategic planning document provides the context for growth in Colindale and the delivery of 10,000 new homes and 1,000 new jobs as set out in the London Plan. Whilst this growth is expected to be delivered in Barnet, the adopted AAP takes account of the consented development and development opportunities along the Edgware Road in the London Borough of Brent.

Key Relevant Planning History:

Oriental City, Edgware Road, NW9 (WITHIN LONDON BOROUGH OF BRENT)

Application reference WA0126D/06

“Full Environmental Impact Assessment application for the demolition of existing buildings and redevelopment for mixed use purposes, comprising Class A1 retails (with a replacement Oriental City, new B & Q, 520 residential units (comprising 1, 2 and 3 bed units) located in eight blocks rising to 3, 6, 9 and 18 stories above a fifth floor level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 stories above the fifth floor landscaped podium facing Plaza Walk and rising to 3 and 6 stories above the Grove Park street level. Also, a nursery and primary school for 480 children, health & fitness studio (Class D2), associated landscaping, servicing, 1069 car-parking spaces (718 for retail and 351 for residential) and works to highway.”

On the 26th September 2006 the Barnet Planning & Environment Committee resolved:

“That the Director of Planning of the London Borough of Brent be informed that whilst the London Borough of Barnet supports the social, economic, community and regeneration benefits of this mixed use, high density scheme it does have the following reservations:

1. The retail element of the proposal has the potential to have an adverse impact on the role and function of Edgware Town Centre. It is accepted that the suggested restriction on the type of retail permitted at this location – the replacement of Oriental City, a B& Q warehouse and a restriction on the remainder of the floorspace to bulky goods – will minimise any possible effect on the vitality and viability of Edgware town centre. However, it is considered that the retail statement has not demonstrated a comprehensive approach to sequential site selection nor that the sites identified in Barnet have been fully considered. We would welcome further discussions on this issue with the London Borough of Brent and their advisers.

2. Concerns remain about the height and massing of the development and the impact on the street scene of the raised retail floorplate of this development and in particular the pedestrian environment created. Concern also remains about the precedent created by the very tall residential tower for other sites along the Edgware

Road, in the absence of any coherent and robust tall buildings analysis against the Mayor's London Plan and CABE and English Heritage guidance.

3. *Significant concerns remain about both the traffic impact and parking provisions.*
4. *The provision of the site for a new primary school is welcomed. Concern exists over whether the money is available to build and run the school and in relation to the quantum of external play space and parking. It is unlikely that there will be any surplus places in Barnet primary schools to accommodate children from this development."*

Application reference H/00015/10/CNA

"Extension to time limit of planning permission 06/1652 dated 13/06/2007 for the demolition of existing buildings and redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis amusement arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bedroom flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along Edgware Road, rising to 8, 4, 5 and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level; also, a nursery and primary school for 480 children, a health & fitness studio (Use Class D2), associated landscaping, servicing, 1,098 car-parking spaces - comprising 721 spaces for retail users (incl. school drop-off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) spaces for residents and a further 21 disabled spaces on the podium and works to highway."

On the 20th May 2010 a delegated powers decision was taken:

That the Director of Planning of the London Borough of Brent be informed that whilst the London Borough of Barnet supports the social, economic, community and regeneration benefits of this mixed use residential-led scheme it continues to have the following reservations and concerns about the redevelopment of Oriental City:

1. *The retail element of the proposal continues to have the potential to have an adverse impact on the role and function of Edgware Town Centre. It is accepted that the restriction on the type of retail permitted at this location - the replacement of Oriental City, a B&Q warehouse and a restriction on the remainder of the floorspace to bulky goods - will minimise any possible effect on the vitality and viability of Edgware town centre. However, it is considered that the retail statement originally provided as part of the application did not demonstrated a comprehensive approach to sequential site selection nor that the sites identified in Barnet have been fully considered. We would welcome further discussions on this issue with the London Borough of Brent and their advisers.*
2. *The design is an innovative solution to the provision of a high rise mixed use development. Concerns remain about the height and massing of the development and the impact on the street scene of the raised retail floorplate of this development and in particular the pedestrian environment created. The decision of Brent Council to approve a 17 storey tower on the site of Wicks on the corner of Capitol Way and the A5 clearly demonstrates that the approval of the original Oriental City application in 2007 has set a precedent that other developers are*

following. Without proper guidance, there will be pressure from developers to build towers on each of the sites in Brent along this stretch of the Edgware Road which could result in an oppressive 'tunnel' effect. Concern therefore remains about the approval of very tall residential towers along the Edgware Road. Strategic joint guidance needs to be developed between Brent and Barnet before further schemes can be considered.

- 3. Significant concerns remain about both the traffic impact and parking provisions. The need for significant highways improvements to the junction between Colindale Avenue and the A5 has been identified in the Colindale AAP and the London Borough of Barnet would expect the proposed development to make appropriate contributions to these improvements.*
- 4. The provision of a site for a new primary school is welcomed. However concern exists over whether the money is available to build and run the school. The London Borough of Brent are advised that there will not be any surplus places in Barnet primary schools to accommodate children from this development.*

2. PLANNING APPRAISAL

SITE DESCRIPTION AND SURROUNDINGS:

The application site comprises approximately 2.93 hectares of land situated on the south-west side of the Edgware Road (A5) in the London Borough of Brent. The site is broadly rectangular in shape and is bounded to the south-east by Grove Park and the south-west by Plaza Walk. The site is currently occupied by the Oriental City shopping complex which comprises a 12212m² retail centre including shop units, a supermarket and a food court. This retail complex was closed down following a previous approval of the planning permission to redevelop the site and remains unoccupied at present.

An ASDA supermarket is located directly to the north-west of the site and a residential development is situated to its south-west in Airco Close. The surrounding area includes the 13 storey office building Merit House, which is located to the north-east of the site.

The site is located approximately 750m from Colindale Underground Station and has a Public Transport Accessibility Level (PTAL) of 3. The current site includes a significant quantity of parking (approximately 750 spaces) in a concrete post and lintel structure.

PROPOSAL:

The proposal comprises a hybrid planning application (including both outline and full planning permission elements) over three phases of development. Since the application was originally submitted it has been amended, with the key change being that the proposal now seeks consent for outline permission for a primary school and nursery.

The first phase seeks full detailed planning permission for a retail led development comprising the following elements:

- Demolition of the existing buildings on the site.
- The construction of a 7817m² (Gross External Area) Morrison's food store (Use Class A1) with sales area of 3754m².

- The Construction of 5207m² (Gross External Area) of Oriental and Far Eastern Floorspace. This space would be used for purposes falling within a mixture of Use Classes A1, A2, A3, A4, A5, B1 and D1.
- The provision of 368 car parking spaces, 28 motorcycle spaces and 116 cycle spaces.
- Access and egress provided from Grove Park and Plaza Walk (off Capitol Way).
- New hard and soft landscaping.
- Offsite highway works to Grove Park and the Edgware Road, including a new signal controlled junction.
- The construction of a podium slab for the school.

The second and third phases seek outline planning permission (with all matters reserved for subsequent determination) for development comprising the provision of:

- A maximum residential floorspace (Use Class C3) of 19801m² (Phase 2).
- A maximum educational floorspace (Use Class D1) of 3715m² (Phase 3).

The floorspace figures quoted are both expressed as Gross External Areas.

The submission includes an illustrative indication of how the residential floorspace might be developed into a scheme that includes 183 residential units. These dwellings would be provided with 183 car parking spaces (under a residential podium), access through the northern end of Airco Close, and 332 cycle parking spaces. None of the residential floorspace proposed would be provided as affordable housing. The illustrative scheme submitted includes the following dwelling mix:

- 58 x 1 bedroom 2 person dwellings
- 7 x 2 bedroom 3 person dwellings
- 46 x 2 bedroom 4 person dwellings
- 60 x 3 bedroom 5 person dwellings
- 12 x 4 bedroom 7 person dwellings

However, the submission specifically states that these details are all explicitly excluded as formal parameters of the application at this stage.

The proposed educational floorspace would be provided in Phase 3 as a two form entry primary school and nursery. This would be accompanied by 2652m² of external play space. The application confirms that the LB Brent would be responsible for the delivery of this aspect of the scheme. The submission identifies that parking provision for the educational use would include 39 car parking spaces (staff and parent drop off) located in the retail car park. A school coach pick up and drop of facility would also be provided on Airco Close.

PLANNING CONSIDERATIONS:

A previous application (Barnet Planning Reference WA0126D/06) for the development of the Oriental City site was presented to the Planning & Environment Committee on the 27th September 2006. This significant scheme was eventually approved by Brent Council in 2007. A subsequent application (Barnet Planning Reference H/00015/10/CAN) to extend the time limit of the consent by another 3 years has also been approved. However, the financial viability of that scheme has

proved to be problematic and the approved development is unlikely to be built out in this form.

The current application for development of the Oriental City site is different from the previous consent in a number of important ways and as such it raises different issues. Two particularly key differences are the inclusion of a retail foodstore (Use Class A1) and a reduction in the maximum height of building approved. In respect of consequences for Barnet the following are the main material planning considerations for this application:

- Assessment of the development in the context of the adopted Colindale Area Action Plan
- Impact of the retail element of the scheme on town centres and planned retail development within Barnet
- Impact on traffic, parking and transport infrastructure
- Impact on the streetscape of the Edgware Road
- Impact on primary school places.

Impact of the retail element of the scheme on town centres within Barnet:

National guidance and development plan policy require Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing town centre and not in accordance with an up to date development plan (such as the proposals in this application). They should require applications for town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites (such as the Former Oriental City site) be considered.

When assessing applications for retail and leisure development of the nature proposed which are outside of town centres and not in accordance with an up-to-date Local Plan, Local Planning Authorities should require an impact assessment to be provided as part of the submission. This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Planning policy designation of the application site:

In planning policy terms the Former Oriental City site is positioned in an out of town centre location. However, it is recognised that the application site is identified in the Brent Site Allocations DPD. The text in this document for the site specifically identifies that:

“The scale and type of retail development permitted will depend upon there being, in accordance with the sequential approach set out in policy CP16 of the Core Strategy, no alternative sites available, and upon the results of a retail impact assessment.”

The London Borough of (LB) Barnet considers that the scale and type of retail development proposed does not accord with the requirements of the LB Brent Site Allocations DPD and that there are sequentially preferable sites available as an alternative. Officers also consider that the proposal is likely to have a significant adverse impact on town centres in Barnet and prejudice the planned investment in Colindale (designated under development plan policy as appropriate for new retail development) in LB Barnet. These matters are discussed in greater detail below.

In addition it is noted that this application has been submitted for consideration in advance of LB Barnet working with LB Brent to prepare planning guidance for the Burnt Oak and Colindale Opportunity Area (as identified in the London Plan 2011).

The sequential test:

LB Barnet has significant concerns that the sequential assessment carried out for this application has not given adequate consideration to sequentially preferable sites in town centres within LB Barnet and more specifically in Burnt Oak District Centre and Edgware Major Centre.

Burnt Oak Town Centre:

Burnt Oak district centre is located less than a kilometre from the application site and represents the closest defined town centre. There is a longstanding redevelopment aspiration for the Watling Avenue car park site in Burnt Oak, reflected in the 2006 Barnet Unitary Development Plan Schedule of Proposals. This allocates the site for development for uses including a 'large food store'. The implications of this allocation are reflected in the town centre boundary defined for Burnt Oak in the recently adopted Barnet Development Management Policies DPD (September 2012), which includes the entirety of the Watling Avenue site. Paragraph 11.7.9 of the Barnet Core Strategy notes that development opportunities have been identified in Burnt Oak which would enhance the vitality and viability of this centre, as well as its overall attractiveness. Given this policy context it is very likely that the forthcoming Barnet Site Allocations DPD will identify the Watling Avenue site as a town centre development opportunity.

The sequential site assessment prepared for the Former Oriental City scheme dismisses the Watling Avenue site on the grounds that it is not suitable, viable or available. However, it is not considered that this is the case. Tesco are currently in advanced discussions with the Council, who own the land, over the redevelopment of the Watling Avenue car park site and a number of other properties to provide a mixed use development including a retail food store of approximately 7000qm² (gross external area), 6 other shop units (totalling approximately 950m²), 24 residential units and approximately 315 car parking spaces (with 34 of these for the residential)

On the 18th October 2012 the LB Barnet Cabinet Resources Committee resolved to accept a conditional offer for the site from Tesco to acquire the freehold interest in the Watling Avenue car park site, areas of adjoining land and a number of other properties.

The application for Oriental City suggests that the Watling Avenue site is not suitable because redevelopment would result in a loss of car parking (and adversely impact upon the town centre vitality and viability); the site has access constraints; and any

scheme would suffer design constraints associated with the site's location in a designated Conservation Area.

However, Tesco's emerging proposals involve an increase in the number of car parking spaces on the site from approximately 250 to 280 spaces. Managed as shared parking for the new development and the wider town centre (as is commonly the case) this would be expected to promote linked trips and have a positive impact on the vitality and viability of Burnt Oak Town Centre. Tesco have confirmed that conditional agreements are currently in place to acquire the additional land needed to resolve any access related constraints at this site. In respect of the sites location within a conservation area, it is not entirely clear why this would result in a retail scheme not being suitable. There are many instances of retail developments in designated conservation areas and, while this will require a sensitive design approach to be taken, it is in no way considered to make the site unsuitable for a new supermarket.

It is considered that the availability of the site for a retail led development (including a new food store) is supported unequivocally by the recent resolution of the LB Barnet Cabinet Resources Committee to accept a conditional offer for the site from Tesco. In such circumstances it is not at all clear how the site could be considered unavailable.

In terms of possible viability concerns, it is acknowledged that the site falls within an area identified as being at risk of flooding (Flood Zone 3). However, Tesco and the Council have been working with the Environment Agency to prepare an approach to the development of the site which includes suitable flood mitigation measures. Tesco have carried out detailed investigations into the costs of these works and have confirmed that they believe a foodstore led scheme remains viable. In such circumstances it is not considered reasonable for the site to be deemed unviable.

In summary, as stated in Barnet's Unitary Development Plan (2006), the Council's aspirations for the site included a large food store, the retention of the market and car park, housing, offices with storage and distribution as a subsidiary use and other appropriate town centre uses. LB Barnet own the freehold of the site and have been negotiating with developers over a number of years to bring this town centre opportunity forward for development. These negotiations have now reached a crucial stage where Tesco have proposed a retail development for this site following them working with the Council and Environment Agency to address flooding issues, which are one of the most significant constraints to the site coming forward.

For the reasons set out above the Watling Avenue site is found to be a suitable, viable, available and sequentially preferable in planning policy terms. It is therefore considered that this site cannot reasonably be discounted.

Edgware Town Centre:

The Barnet Core Strategy identifies Edgware as a Major Town Centre with the potential for future growth that will be shaped by a Town Centre Framework. While a Town Centre Framework for Edgware has not yet been published (it is expected that it will be published this year), it is clear that there is at least one site within the identified town centre boundary (as shown in the Adopted Barnet Development Management Policies DPD) for Edgware which is sequentially preferable to the Former Oriental City site.

The existing car park of the Broadwalk Shopping Centre is identified in the sequential site assessment submitted for Oriental City but discounted on the grounds that it is not available (due to its redevelopment having an adverse impact on parking provision to the detriment of other uses in the town centre and the overall town centres vitality and viability) or suitable (due to access and congestion issues on the access road from Station Road, Churchway).

However, it is considered that the issues raised in the sequential site assessment submitted with the application are far from insurmountable. There is little reason to conclude that appropriate parking and access arrangements could not be provided as part of the redevelopment of this site for retail purposes. Barnet consider this site to be available, suitable, viable and sequentially preferable in planning policy terms. This site should therefore not be discounted in the sequential assessment.

Impact on town centres and designated sites in Barnet:

Burnt Oak Town Centre:

In terms of impacts on the viability of the existing town centre, the submission estimates the diversion of £0.195 million from the existing Tesco Metro at Burnt Oak. It is acknowledged that, by virtue of its size and the range of goods on offer, the diversion from this Tesco Metro will be more limited than from other surrounding larger food stores. However, it is considered that the submission has underestimated the diversion from this store and therefore also the impact on Burnt Oak town centre. The submission identifies that the Tesco Metro in Burnt Oak is trading at 71% of benchmark. This would suggest that any diversion from this store, which currently anchors the district centre, would result in significantly adverse impacts on the vitality and viability of the centre. It is not reasonable to argue that because the Tesco Metro is still trading, it could inevitably withstand the impact of another food store in such close proximity. In the context of circumstances where the wider centre is underperforming (as identified in the Barnet Core Strategy), the existing anchoring retail store is undertrading and the impact on the store has been understated, it is concluded that the proposal would undoubtedly have a significant adverse impact on the vitality and viability of Burnt Oak Town Centre.

In terms of future potential investment in Burnt Oak there is no evidence to suggest that there is an immediate need for additional convenience floorspace in the vicinity that might require food store development in advance of the Watling Avenue site coming forward within a five-year period. Furthermore, in the context of the previous allocation of the Watling Avenue site for a 'large new food store' and in circumstances where expenditure growth is only expected to generate an additional £11.33m of convenience expenditure (as specified in the application documents), the need for two new stores within such close proximity is limited. Whilst the Watling Avenue site has been considered in sequential terms, despite being a long-standing policy aspiration, the impact of the proposed store on this planned investment has not been taken into account in the cumulative impact assessment.

The National Planning Policy Framework (NPPF) specifically requires applications to be assessed with regard to the impact on planned investment within town centres and Tesco's intended investment at Burnt Oak is precisely the type of investment the NPPF is seeking to protect. It is notable that since the ASDA adjacent the application site was allowed, no such investment in large retail schemes in Burnt Oak has come

forward. In the current economic circumstances, it is considered that approving another large out-of-centre scheme would serve to further prejudice this investment to the detriment of the vitality and viability of Burnt Oak district centre.

Having regard to the anticipated impact, the proposal would run contrary to the planning policy objectives of bringing about more sustainable shopping patterns and improving the vitality and viability of Burnt Oak Town Centre.

Under the town-centre-first principle present in all levels of planning policy, the existence of a sequentially preferable site that can be brought forward within an appropriate timescale, it would be contrary to national policy and development plan policy to grant planning permission for a proposal that would prejudice the delivery of a town-centre site in Burnt Oak.

Edgware Town Centre:

The applicant has submitted a Retail Impact Assessment which seeks to demonstrate why sites in Edgware Town Centre are not appropriate. However, as set out earlier in this report, LB Barnet has significant concerns that there is at least one sequentially preferable site in Edgware. In addition to this there are concerns that the proposal underestimates the level of impact that the scheme would have on Edgware Town Centre and could prejudice the delivery of development within this centre, which has been identified in the Barnet Core Strategy as having potential for growth.

The previous application at the Former Oriental City site was identified as having an impact of 9.8% on Edgware Town Centre, when the impact of those proposals for Oriental City were factored in with other committed developments (i.e. forecast turnover in 2016 would be 9.8% lower than what it would be if those developments did not happen). However, despite the proposal now changing to include a new large food store the Retail Impact Assessment now submitted suggests that the impact on Edgware would be only 4.9% (to 2017). It is not clear how the impact on Edgware has reduced so substantially during this timeframe.

The Council welcomes the re-provision of the previous use for the retailing of goods of an Oriental and Far Eastern origin. However, the Retail Impact Assessment submitted also fails to adequately explore the scope for potential disaggregation of the retail elements proposed. For example, no adequate explanation is given as to why the food store proposed could not be disaggregated from the OFEO. This is considered to potentially be an issue in respect of all town centres, but it may have particular significance for the potential ability of some of the uses proposed to be located in more sustainable sequentially preferable sites within Edgware Town Centre. The proposal fails to explore this adequately.

Unlike previous proposals for the site it is not proposed to limit the use of the new retail floorspace proposed to bulky goods. This is considered to be a very significant change and serious concerns exist about the principle of a large out of town centre food store on the application site, which is contrary to all levels of planning policy, and the significant adverse impacts that this would be likely to have on Edgware Town Centre.

New convenience retail in the Colindale Area Action Plan zone:

The Adopted Area Action Plan for Colindale constitutes development plan level planning policy and as such should be given the appropriate level of weight in the decision making process. This document includes policies that identify appropriate locations and quantities of convenience retail floor space in the area covered. Policies 4.1 and 7.1 of the Colindale AAP identify that development in the area will be expected to provide a sustainable and walkable neighbourhood centre for Colindale including convenience food store provision of 2500m², supported by a range of associated shops and service needs to meet local needs.

The application advances that the development and growth planned in the Colindale AAP will support the development put forward for the Former Oriental City site. However, LB Barnet consider that the convenience shopping space proposed under this application would in fact prejudice the delivery of the retail development planned in the Colindale AAP and encourage less sustainable shopping patterns.

The quantity of convenience retail floorspace proposed in the AAP policies was driven specifically by the needs generated by the various developments in the area covered and located so as to encourage more sustainable shopping patterns. The application proposed would be sited further from much of the planned development in Colindale and would therefore encourage unsustainable patterns of shopping. Given the level of need for convenience retail floorspace which exists it is also very likely that the approval of the current application on the Former Oriental City site would significantly reduce the likelihood of the more sustainably situated retail development proposed in the AAP coming forward. The application is therefore considered to conflict with the policies and objectives of the Colindale AAP (and wider development plan policy) and would be likely to have a significant adverse impact on this planned investment.

It is noted that the application advances that the Colindale AAP has taken account of the additional retail floorspace previously approved on the Former Oriental City site. However, this is not a full reflection of the situation, as the previous consent on the Oriental City site was controlled by a condition limiting the new B&Q proposed to bulky goods only. This scheme would therefore not have resulted in the kind of convenience retail use which is now proposed and is of serious concern for the reasons set out above.

Other material planning considerations:

The Planning Statement submitted in support of the application makes reference to a number of applications for certificates of lawfulness and an extant permission for bulky goods development on the application site. These are considered further below.

Certificates of lawfulness:

The existing, vacant, development on the application site is subject to a condition which restricts the retail element of Oriental City to 'the display and sale of goods of mainly oriental and Far Eastern origin' (OFEO). A certificate of lawfulness for the OFEO element of the existing development, found to be lawful in December 2011, establishes that 33% of the quantum of retail space can be treated as having an unrestricted open A1 Use Class. The Planning Statement submitted with the application implies that this establishes the principle of a certain quantum of open A1

floorspace (3,089m² gross) at the site. However, it is not considered that such an interpretation fully reflects the actual lawful position.

Rather than confirm a particular quantum of floorspace, the certificate in question relates to a proportion of floorspace and specifically confirms that 66% of the existing floorspace is the minimum amount that would need to be devoted to OFEO goods to satisfy the requirements of the condition. As such the unrestricted 33% of the retail floorspace could not operate independently of the other OFEO floorspace. Indeed it would appear reasonable that the very nature of the condition in question is such that a disaggregation of the floorspace would be in contravention of the restriction imposed. A theoretical amount of unrestricted A1 floorspace has therefore only been set in the context of the unrestricted floorspace playing an ancillary role to a main OFEO component at the site.

It is also notable that applications which sought to confirm 49.9% and 100% open retail components were refused and dismissed at appeal (APP/T5150/X/11/2161184) in April 2012. In dismissing the appeal for the 49.9% open retail certificate the Inspector appears to support the approach outlined above and, refers specifically to the reason for original condition limiting the sale of non-OFEO products. This states that the condition was imposed 'so that the retail element remains compatible with, and a component part of the proposed overall use of the premises as an Oriental Cultural Centre and is not used as a separate retail use'. As such it is our view that a parallel cannot be drawn between the 33% open retail component of the OFEO floorspace and the retail food store proposed under the current application. The two are not comparable on the basis that the 33% open retail only exists as an ancillary component of the OFEO offer. In such circumstances the 33% of the existing retail space which could theoretically be used for open A1 retail purposes should not be accorded weight in the assessment of the current scheme.

Extant permission:

The Planning Statement submitted with the application advances that the conditioning of the extant permission at this site (see planning history above) fails to adequately restrict the B&Q unit approved to bulky comparison goods and that this therefore allows 6823m² of the permitted retail floorspace at the site to trade with an open A1 retail use. However, no certificate of lawfulness has been obtained to confirm this view and the LB Barnet note that there is a condition on the extant permission which states that 'the premises shown to be used for the sale of bulky goods'. Given the wording of the condition imposed and the absence of a certificate of lawfulness to confirm otherwise it is not considered reasonable to conclude that 6823m² of open unrestricted Use Class A1 retail exists under the extant permission.

It also needs to be recognised that, whatever restrictions are imposed on the Use Class A1 B&Q space by the condition, to represent a reasonable fall back position there needs to be a realistic prospect of the extant permission being implemented. In this instance the permission in question has not been implemented at present and the current application has acknowledged (in the Planning Statement at paragraph 1.8) that the permission is 'undeliverable.' In these circumstances it is not considered that the previous consent can be deemed to be creating a meaningful fall back position that allows a quantum of open A1 retail use at the site. Such a position should therefore not be accorded weight in the assessment of the current scheme.

Retail and town centre impact conclusions:

The application proposes an out of centre retail development that is found to conflict with its allocation in the LB Brent Site Allocations DPD. LB Barnet has significant concerns that the sequential assessment carried out for this application has not given adequate consideration to sequentially preferable sites in Burnt Oak District Centre and Edgware Major Centre which are suitable, available and viable. Having regard to the anticipated impact, the proposal would run contrary to the planning policy objective of bringing about more sustainable shopping patterns and would be likely to have significant adverse impacts on the vitality and viability of Burnt Oak and Edgware Town Centres. The proposal would also be likely to prejudice the delivery of retail development planned as part of the Colindale AAP. As it is not considered that any other material planning considerations have been advanced which justify these conflicts with all levels of planning policy LB Barnet object to the proposal on this basis.

Impact on traffic, parking and transport infrastructure:

Impact on the wider highway network and transport infrastructure:

The key highways objective of the Colindale AAP is to maintain a network which provides sufficient capacity to facilitate traffic flow whilst accommodating growth. In line with the significant level of development proposed for Colindale, highway capacity enhancements will be required to facilitate the anticipated growth in demand on the highway network. This can be achieved through a variety of new streets and junctions and improvements to existing streets and junctions.

In order to support the transport policies contained within the AAP, a number of transport studies and modelling exercises were conducted in partnership with TfL and undertaken by independent specialist consultants commissioned by the Council.

The modelling work comprised the development of future year highway models to test various proposed schemes and a number of junction and highway improvements. The models were developed using a recognised traffic modelling package (SATURN). In addition, the VISSIM model was used to undertake a more detailed assessment of the predicted traffic movements for the various highway options for 2021. These assessments took into account the consented developments and development opportunities along the Edgware Road in the London Borough of Brent. The outcome of the studies demonstrated that in order to accommodate the growth in Colindale, including from sites in Brent, a series of highways improvements at key junctions will be required.

Colindale Avenue is the key east/west link that crosses the Underground line, serves Colindale Underground station and links Colindale to the A5/Edgware Road. It is currently a major bus link and an important route for pedestrians and cyclists although it is frequently congested on the approach to the A5. The Colindale Avenue/A5 junction is identified in CAAP Policy 3.1 as a strategic highways priority in Package 1 of a series of highways improvements that need to be delivered to support growth in the Colindale area. Improvements to this junction will need to be delivered through a combination of government funding and Section 106 contributions from developments in the area. Barnet have already secured some contributions from other developments towards improvements to the junction and land has been safeguarded from the redevelopment alongside the former Kidstop site.

Given that the Colindale Avenue/A5 junction is the junction which will be most affected by the development of the Former Oriental City site, it is considered essential that a recognition and financial contribution (through as Section 106 Agreement) from the Oriental City developers is made to highway improvements at this junction, which is currently at and near capacity during peak times.

Colindale AAP policy 3.4 states that a new public transport interchange will be provided around Colindale Underground Station, improving the interchange between different modes of transport and providing a new gateway in to Colindale. At the heart of the interchange will be a new public piazza and station building. Given the relatively low level of car parking provided within the scheme, the occupants and users of the development are going to need to rely on public transport including Colindale Underground and local bus services. The increased trip making that will result from the Oriental City development needs to be fully considered and appropriate mitigation and improvements provided. This is likely to include a contribution to improvements to the pedestrian environment between the site and Colindale tube station, funding towards provision of step free access, funding support for increased frequency of bus services as necessary, and funding to allow a review and potential enhancement of waiting restrictions within the London Borough of Barnet.

It is considered that the application has failed to properly recognise and address the public transport implications and traffic and parking impacts arising from the development. This concern should be addressed through points of clarification, further assessments (see Appendix 1) and an appropriate Section 106 Agreement involving the relevant parties, including the London Borough of Barnet.

It is evident that a number of pedestrian, vehicular and cycling routes (for example along the Edgware Road, Colindale Avenue, Capitol Way, Annesely Avenue) which will be key to the functioning of the site are within or pass through Barnet. Similarly a number of key destinations (for example bus stops, Colindale Tube Station and various schools) that are very likely to be important for occupiers of the site are also located within Barnet. As such it is expected that contributions under a Section 106 Agreement to fund public realm enhancements in Barnet will be made. The exact amount and nature of the contributions identified above should be discussed with Barnet in advance of any consent being granted.

Detailed transport comments:

In addition to the above general points, the Barnet Council Traffic and Development Team have reviewed the Transport Assessment (TA) and Travel Plan (TP) documents submitted with the application and have identified a number of issues. These have been passed direct to the Brent case officer, but the key points are summarised in Appendix 1 of this report.

Impact on the streetscape of the Edgware Road:

London Plan policies 7.4, 7.5, 7.6 and 7.7 respectively set out the criteria for assessing the impact of proposals on local character, the quality of public realm that should be created, the standard of architecture required in new buildings and appropriate location and design approach for large and tall buildings.

Policy 7.7 sets out that large buildings, such as the scheme proposed under this application, should:

- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport.
- Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a large building.
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level.
- Individually or as a group, improve the legibility of an area.
- Incorporate the highest standards of architecture and materials.
- Have ground floor activities that provide a positive relationship to the surrounding streets.
- Contribute to improving the permeability of the site and wider area.
- Incorporate publicly accessible areas on the upper floors, where appropriate.

The information submitted with the application shows buildings ranging between 3 and 9 stories fronting onto the Edgware Road. This is considered to be a significant improvement over the previous proposals for the site, which included a 23 storey tower facing Edgware Road, about which Barnet expressed reservations and concerns.

Most buildings in this area are between 2 and 3 storeys high, punctuated with occasional tall buildings, such as Merit House (up to 14 storeys). Recently approved schemes in Barnet, such as 1 Colindale Avenue on the former Kidstop site (up to 8 storeys) and Green Point (up to 8 storeys) put forward a similar order of development to that now proposed and are considered to be of an appropriate scale for this part of the Edgware Road. So long as the design of the proposed buildings and associated spaces are controlled, through the use of appropriate conditions, to ensure that they are of an appropriate scale and of sufficient quality the impact of the proposal on the streetscape in this part of the Edgware Road does not raise any design concerns.

Impact on primary school places:

The Colindale AAP has assessed the requirements for primary school places arising from the planned growth in the area. This has informed Colindale AAP Policy 7.6 which states that development will deliver at least 4 new forms of entry in primary schools within Colindale, either through new schools or expansion/relocation of existing schools. The Barnet College site (subject to the College relocating) and Peel Centre East site are each identified to provide a 2 form entry primary school (420 pupils per school). Developers will be required to meet the costs associated with meeting the additional need for nursery and school places generated by their development proposals in line with the Council's Contribution to Education SPD.

Whilst the AAP allocates a site for a new two form entry school on the Barnet College site, additional demand is already causing pressure on places at schools in the locality. The demand has occurred since the previous approvals at Oriental City in 2007 and 2010 and is suspected to be due to a combination of inward migration and increasing birth rates. All schools in the surrounding area (Orion, Blessed Dominic, Goldbeaters, Barnfield, Annunciation, Woodcroft, Hyde) are now full for this year's reception intake and the pressure is such that new provision is required to accommodate existing growth.

The inclusion of a new two form entry primary school and nursery is welcomed. However, officers have serious concerns over whether Brent Council are able to fund construction of the school or have any other means of delivering new school places in this location. The submission makes no commitment to the building of the school and does not provide any indication of when this would be completed. The only detail given on the delivery of this aspect of the scheme specifies that it would be the responsibility of the LB Brent and will be confirmed at a later stage.

There is currently significant unmet need for primary school places in the NW9 postcode area of Brent, and children from the proposed development would add to this further. Due to the proximity of the site to Brent's border with Barnet the application would have a significant impact on Barnet, where we are already experiencing considerable demand for primary school places and are needing to use temporary solutions. As such, it is important that provision of the school is prioritised to take place during an earlier phase of the scheme and that there is certainty over its delivery.

Given the existing pressures on primary school places in schools within Colindale in Barnet, the Council's Children Service has advised that there will not be any surplus places in Barnet primary schools to accommodate extra children arising from the development, either in the period between the new housing being delivered and the school being built or in the longer-term should funding to build the school not be available.

Assessment of the development in the context of the adopted Colindale Area Action Plan (AAP):

The AAP sets out a spatial plan for the area and identifies four main opportunity areas, the 'Corridors of Change' which are focussed around Colindale Avenue, Aerodrome Road, Edgware Road and Grahame Park Way. Whilst the AAP boundary runs down the A5, the Edgware Road Corridor of Change responds to the cross borough boundary nature of this stretch of the A5 between Barnet and Brent. The AAP takes into account the development potential of the sites that are located on the Brent side of the road.

The AAP sets the following vision for the Edgware Road Corridor of Change:

The Colindale stretch of Edgware Road will become a thriving mixed-use urban corridor providing a focus for employment, housing and bulky retailing. A coordinated and high quality approach to the public realm will help establish a formal boulevard character befitting this busy and dense urban corridor. The area will provide an improved gateway to the new Colindale centre incorporating tall buildings where appropriate and involving key junction improvements to increase movement capacity and new or improved public transport provision.

CAAP Policy 4.3 states that within the Edgware Road Corridor of Change, development will be expected to:

- a. Promote and coordinate the redevelopment of sites to provide a mix of uses appropriate to the area, with emphasis given to ensuring lower floors of key sites provide the commercial and community activity required to create a lively, busy and thriving place;

- b. Promote upper floors of key sites for high quality, high density residential accommodation to a density level of up to 200dph incorporating noise mitigation measures;
- c. Ensure major sites contribute to the creation of a coordinated new, tree-lined urban boulevard environment along this part of Edgware Road incorporating a high quality clutter-free public realm;
- d. Provide high quality, attractive, safe and legible pedestrian and cycle routes to and from surrounding areas and along Edgware Road itself;
- e. Improve public transport services and priority together with appropriate vehicular capacity along Edgware Road and particularly the junction with Colindale Avenue; and
- f. Continue to work closely with the London Borough of Brent and Transport for London on ensuring the coordinated management and implementation of the range of development and transport improvements and other infrastructure necessary to support the area's sustainable growth

Whilst the Colindale AAP is a Barnet policy document, the assessment and strategies it contains are relevant to the London Borough of Brent. In terms of the Colindale AAP there are considered to be three main areas of concern arising from the Oriental City development:

1. The impact on the highway network and other transport impacts.
2. The impact on primary school places.
3. The impact on the retail development supported by the AAP.

These matters are discussed in greater detail in the earlier relevant sections of this report.

3. CONCLUSIONS

The current application for development of the Oriental City site is different from the previous consent in a number of important ways and as such it raises different issues. Two particularly key differences are the inclusion of a retail foodstore (Use Class A1) and a reduction in the maximum height of building approved. In respect of consequences for Barnet the following are the main material planning considerations for this application:

- Assessment of the development in the context of the adopted Colindale Area Action Plan
- Impact of the retail element of the scheme on town centres and planned retail development within Barnet
- Impact on traffic, parking and transport infrastructure
- Impact on the streetscape of the Edgware Road
- Impact on primary school places.

The Council welcomes the re-provision of the previous retailing goods of Oriental and Far Eastern origin. However, the London Borough of Barnet objects to the application for the following reasons.

The scale and type of retail development proposed does not accord with the requirements of the LB Brent Site Allocations DPD. There are sequentially preferable sites available as an alternative and the proposal is likely to have a significant

adverse impact on town centres in Barnet (Burnt Oak and Edgware) and prejudice the planned investment in Colindale.

It is considered that the application fails to properly recognise, assess and mitigate the impacts of the development on traffic and parking, the public realm and public transport for locations within the London Borough of Barnet.

There are serious concerns over whether Brent Council are able to fund construction of the proposed school or have any other means of delivering new school places in this location. The submission makes no commitment to the building of the school and does not provide any indication of when this would be completed. There is currently significant unmet need for school places in the NW9 postcode area of Brent and children from the proposed development would add to this further. It is unclear whether the funding is available to provide educational provision for children generated from the scheme through either the new school or alternative means. Due to the proximity of the site to Brent's border with the London Borough of Barnet this is likely to have a significant impact on Barnet, where we are already experiencing significant demand for primary school places and are having to rely upon temporary solutions to meet need.

APPENDIX 1: DETAILED TRANSPORT COMMENTS

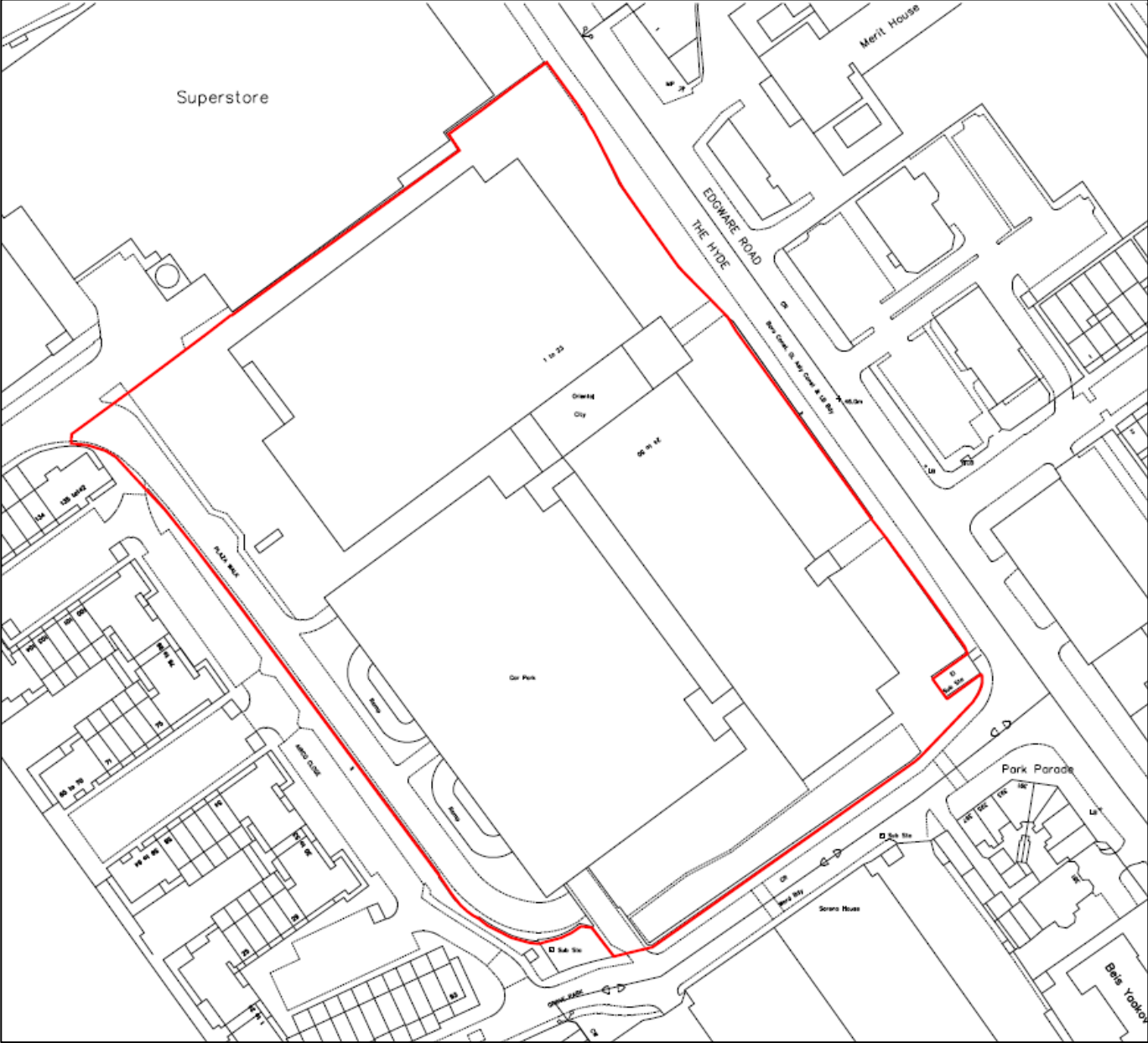
- The TA states that the VISSIM model was used to assess the development impact on Edgware Road over the time periods of an average weekday and assessed 17:00-18:00, although the PM Peak is 17:30 to 18:30. Similarly Saturday was modelled over 12:00 to 13:00 when the peak is over 12:30-13:30. Barnet therefore request confirmation that the peak hours were modelled correctly.
- Barnet request that the TRAVL site data is provided so this can be used to check the traffic flow information supplied.
- Barnet requests that the TRAVL sites used are reviewed as some of the sites that have been included are too old (Yeats Close and Watergardens), unsuitable (Grand Union Village) or have recently been rejected by Transport for London on other sites (Kew Riverside).
- Trip distribution in TA has used Census journey to work data but this has not been included for review. Barnet request that the Census Journey to Work trip distribution data used is provided.
- The selection of comparable school sites used should be reviewed and local school travel data collected. The mode splits used for the school trip generation are not accepted by Barnet. An assessment of parking accumulation is required for the proposed car parking and on-street availability as this has not been provided.
- The TA identifies that a weighting has been used based on the difference between the Weekday and Saturday residential trip rates to predict a Saturday Colindale AAP model. Barnet request that this approach be confirmed with the use of Weekday/Saturday ATC data.
- The TA shows that the parking ratio for the residential element of the scheme is 0.8 spaces per unit. The surrounding streets are uncontrolled and confirmation is required that parking will not impact adversely on the surrounding streets. LBB request that a review of the parking on surrounding streets is carried out to confirm that the proposed parking ratio is appropriate for the site will not be likely to result in a risk of overspill.
- The submission shows accident analysis for the existing situation but does not assess the increased risk of accidents as a result of the development proposed. There is particular concern because of the increase in walking trips the development would generate and the vulnerable pedestrians associated with the school and nursery uses.
- Barnet requests to see a copy of the VISSIM model (video) used to allow a review the impacts set out in the TA.
- The TA shows that the Capitol Way junction is within capacity but the output data is not attached for review. Barnet request that the full LINSIG output be provided to confirm acceptance of the results.

- The TA shows that the Grove Park/Colindale Avenue junction is nearing capacity in AM and Saturday Scenario 1 and AM and PM in Scenario 3. Barnet requests that the full LINSIG output be provided to confirm acceptance of the results.
- The TA shows that the Colindeep Lane/Edgware Road junction LINSIG results under all scenarios are within capacity except Saturday in Scenario 3, which is very near capacity. Barnet requests that the full LINSIG output is provided to confirm acceptance of the results.
- It is evident from the information in the TA that there are large differences between the VISSIM queue results and LINSIG results and further data is requested so that a full review of the results and proper assessment of the impacts can be made.
- The TP prepared for this scheme should cover the life of the development. This would mean continuing until at least 5 years after first occupation of the final phase of development and the inclusion of appropriately timed targets. The range of targets and measures identified in the TP are too limited for employees of the Oriental and Far Eastern units, all retail customers and other visitors and servicing and deliveries for the site.
- The documentation submitted contains an addendum and makes a small number of changes to the text in the main TP to cover the addition of a school and nursery to the proposal. However, several sections of the main TP are missing references to the school and nursery and large parts of the addendum are taken from the original TA and TP and have not been adjusted to make them specifically relevant to the school or nursery.
- The parking spaces provided for the school should be clearly marked and a parking management plan provided. There will be high influxes of school children and so walkways and crossing points should be provided from the parking bays so that children can cross safely.
- The submission acknowledged that a School Travel Plan (STP) will be required, but suggests that it cannot be completed until the school opens. However, Officers consider that it is possible to complete most sections of a STP prior to occupation and also for commitments to be made to complete the STP once the school is operational. At present it is not clear if the STP will cover both the school and nursery travel and no information is provided about the types of school (beyond it being 2 form entry) and nursery that will be delivered.
- The baseline surveys for the pm peak do not include usual school pick up times and this has not been accounted for. The primary school trip generation shown does not include movements between 17:00 and 18:00 and therefore does not consider any after school clubs and staff leaving work at that time. The nursery school trip generation uses the school peak time of 15:00 to 16:00. However if the nursery is a private nursery offering child care this peak is more likely to be between 17:00 to 18:00.
- The proposed pick up and drop off facility for parents within the retail car park should be restricted to those that need to drive. In the absence of this the facility

may encourage car use when other more sustainable modes of travel would have been considered. In addition to this, no reference is made to the inclusion of safer and more sustainable travel in the school and nursery curriculum and day to day activities and policies.

- The provision of an approved TP and STP should be secured through a S106 agreement with measures including the appointment of Travel Plan Coordinators funded by the applicant. Remedial measures are identified should car driver targets agreed following the completion of required surveys not be met. However all of the measures should be committed to with clear triggers and cost implications included. Barnet request to be involved in the on-going monitoring of the TP and STP.

APPENDIX 2: SITE LOCATION PLAN



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LOCATION: Phase 1a off Frith Lane, Millbrook Park (former Inglis Barracks),
Mill Hill East, London, NW7 1PZ
REFERENCE: H/03548/12 **Received:** 17 September 2012
Accepted: 17 September 2012
WARD: Mill Hill **Expiry:** 17 December 2012

AGENDA ITEM 8

APPLICANT: Taylor Wimpey (North Thames)

PROPOSAL: Reserved matters application seeking approval of Appearance, Landscaping, Layout and Scale in relation to Phase 1a for the erection of 58 houses comprising 39 x 3 bed houses and 19 x 4 bed houses at 'Millbrook Park' (Inglis Barracks) submitted to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.

APPLICATION SUMMARY

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.

This application seeks approval for reserved matters details for Appearance, Landscaping, Layout and Scale submitted by Taylor Wimpey (North Thames) for the erection of 58 Houses for Phase 1a of the Mill Hill Outline Application approved in September 2011 (H/03548/12)

The development would comprise the following key elements:

- 39 x 3 Bed Houses
- 19 x 4 bed Houses
- A green edge to Frith Lane composed of trees and Hedges.
- A shared surface, un-adopted estate road
- A total of 77 surface level car parking spaces for use by future residents and an additional 4 visitor or car club spaces
- An area of doorstep play.

RECOMMENDATION APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

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:

Site location plan	WIM-MBP-001	
Existing Site Layout	WIM-MBP-002	A
Proposed Site Layout	WIM-MBP-010	U
Street elevation 1	WIM-MBP-050	F
Street elevation 2	WIM-MBP-051	E
Street elevation 3	WIM-MBP-052	E
Street elevation 4	WIM-MBP-053	F
Street elevation 5	WIM-MBP-054	F
Street elevation 6	WIM-MBP-055	F

Unit Type Plans

Housetype A1 -	MBP-AL-100	L
Housetype B -	MBP-AL-101	K
Housetype D -	MBP-AL-102	K
Housetype E -	MBP-AL-103	K
Housetype F1 -	MBP-AL-104	F
Housetype F2/F3 -	MBP-AL-105	L
Housetype G -	MBP-AL-106	K
Housetype I -	MBP-AL-107	L
Housetype J1 -	MBP-AL-108	F
Housetype J2 -	MBP-AL-109	J
Housetype K -	MBP-AL-110	J
Housetype L -	MBP-AL-111	J
Housetype A2 -	MBP-AL-112	C
Housetype A3 -	MBP-AL-113	-
Housetype A 1/2 -	MBP-AL-200	D
Housetype A 2/2 -	MBP-AL-201	D
Housetype B -	MBP-AL-202	D
Housetype D -	MBP-AL-203	D
Housetype E 1/2 -	MBP-AL-204	D
Housetype E 2/2 -	MBP-AL-205	D
Housetype F 1/2 -	MBP-AL-206	E
Housetype F 2/2 -	MBP-AL-207	E
Housetype G -	MBP-AL-208	D
Housetype I -	MBP-AL-209	E
Housetype J1 1/2 -	MBP-AL-210	D
Housetype J1 2/2 -	MBP-AL-211	D
Housetype J2 1/2 -	MBP-AL-212	D
Housetype J2 2/2 -	MBP-AL-213	D
Housetype K 1/3 -	MBP-AL-214	D
Housetype K 2/3 -	MBP-AL-215	D
Housetype K 3/3 -	MBP-AL-216	D
Housetype L 1/3 -	MBP-AL-217	D
Housetype L 2/3 -	MBP-AL-218	D
Housetype L 3/3 -	MBP-AL-219	D
Detached Garage elevations	MBP-AL-220	C
Landscape Masterplan -	MBP AL 9-100	E
Typical Tree Pit Details	MBP AL 9-700	*

Lscape Maintenance Spec	MBP AS 9-853	*
Lscape Maintenance Sch	MBP AS 9-854	*
Soft Landscape Schedule	MBP AS 9-800	B
Hard Lscape Outline Spec	MBP AS 9-850	C
 PV Roof Plan	 WIM-MBP-097	 -

b) The following Information was also submitted as supporting information for the Reserved matters application.

Phase 1A D&A Statement	WIM-MBP-AR0010	B
Phase 1A D&A Statement Add1	WIM-MBP-AR0011	-
Phase 1A Sch of Accommodation - Summary	WIM-MBP-SCH0010	D
Phase 1A Schedule of Accommodation - Plot By Plot	WIM-MBP-SCH0010	K
Phase 1A Clarification of Access Strategy	WIM-MBP-101	-
 Coloured street elevations sheet 1	 WIM-MBP-060	 A
Coloured street elevations sheet 2	WIM-MBP-061	A
Technical Design Strategy	WIM-MBP-070	-
 Illustrative view 1	 WIM-MBP-080	 A
Illustrative view 2	WIM-MBP-081	A
Illustrative view 3	WIM-MBP-082	A
Illustrative view 4	WIM-MBP-083	A
Illustrative view 5	WIM-MBP-084	A
Illustrative view 6	WIM-MBP-085	A
 Tree Protection Plan -	 MBP AL 9-110	 *
Illustrative Lscape Masterplan	MBP AL 9-200	B
Illustrative Elevations	MBP AL 9-201	B

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 Development Management Policies DM1 and DM2 of the Local Plan 2006 and policy 1.1 of the London Plan 2011.

- 3 Before development hereby permitted is occupied a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include details of:

- The clear marking the parking spaces;
- Monitoring and enforcement of any unauthorised parking;
- Details of the management and enforcement of the use of visitors spaces.
- Controls for servicing and deliveries;
- Details of the location and management of Electric Vehicle car parking spaces proposed.

The strategy must demonstrate to the satisfaction of the Local Planning Authority that monitoring and enforcement measures will be sufficient to prevent obstruction to the free flow of both vehicular and pedestrian traffic on site.

The Parking Management Strategy shall be implemented in accordance with the details submitted and shall be applied thereafter.

Reason:

To safeguard the amenity of the resulting development the free flow of traffic within the estate and the safety of vulnerable road users.

4. 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.

5. Notwithstanding the details shown on plans otherwise hereby approved prior to occupation of any of the approved residential properties details of the appearance amount and location of photovoltaic panels shall be submitted to and approved in writing by the local planning authority.

Reason:

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

6. Notwithstanding the details shown on plans otherwise hereby approved prior to development commencing details of the materials to be used for the external surfaces of the buildings 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.

7. Notwithstanding the details shown on plans otherwise hereby approved prior to development commencing a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include siting appearance and lighting levels achieved throughout the site. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality and prevent disturbance to existing and future occupants thereof and to ensure the free flow of vehicular and pedestrian traffic and security of the site.

Informatives:

The informatives that it are recommended be included on the decision notice in respect of this application are set out in **Appendix 2** 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. 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 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 site was first highlighted as an area appropriate for redevelopment 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. To support the redevelopment of the area an Area Action Plan (AAP) focusing primarily on the former Inglis Barracks site was produced. The aim of the AAP was to ensure that development would take place in a balanced and coordinated manner. To achieve this the AAP set out a comprehensive framework to guide the delivery of housing covering employment, community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

1.2 The outline planning permission

With the support of the London Plan designation and the Council's Area Action Plan a partnership comprising of a number of the key landowners and developers (the Inglis Consortium) submitted an outline application (H/04017/09) for the comprehensive redevelopment of the majority of the area covered by the AAP. Approval subject to conditions was granted on 22 September 2011.

The outline planning permission covers an area of approximately 33.6 hectares (83 acres) 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 is divided into a number of Development Land Parcels (DLP) or phases.

Prior to the submission of reserved matters for any of the approval for site wide pre commencement conditions, including details of Preliminary Infrastructure Works was required. These conditions are now complete and the detailed phases can be submitted. Phase 1a is the first phase to have reserved matters submitted.

Reserved Matters for each of the phases include layout, design, appearance and landscaping.

2. MATERIAL CONSIDERATIONS

2.1 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 barnet's Local Plan.

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.

These statutory development plans are the main policy basis for the consideration of this planning application.

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

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.

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.

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 London Plan and Barnet's 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 Policy Guidance:

The National Planning 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.

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: MHE2 (Housing), MHE7 (Green Spaces), MHE8 (Children’s Play Space), MHE9 (Protection of Green Belt and Biodiversity), MHE10 (Making the Right Connections), MHE12 (Sustainable Transport), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality), MHE18 (Delivering the AAP).

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

2.3 Consultations and Views Expressed:

Amendments Received

Following discussions with the developer amendments to the submission were received. These included changes and clarifications of details to the proposed internal road, some minor amendments to the layout to improve the relationship between buildings, and a strengthening of the Frith Lane planted buffer strip. The majority of changes however related to the appearance and design of the proposed houses. Upon receipt of these significant and detailed changes a 2 week re-consultation was held.

Subsequent to this initial receipt of amended plans a further submission by developers was received on 7 December 2012. The amendments included minor changes to notes on previously submitted plans and elevation, the amendment of a floor plan to accord with a previously submitted elevation; a minor widening of the dormer window of the two semi-detached 'l' type units; and, a change to the layout of the parking fronting Frith Lane. Additional information including tracking, clarification of levels, indicative location of lighting columns and changes to the planting schedule were also included.

Considering the nature and scale of the reserved matters submission and the minor character of the amendments and clarifications received on the 7th of December the resulting development is not considered to have changed significantly from the earlier amendments and therefore no additional consultation is considered necessary following their receipt.

Public Consultation

A total of **630** local properties and other bodies were consulted on the application by letter, email and site and press notice in September 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 was carried out in November 2012.

Reponses from Residents

A single response has been received from local residents as a result of the consultation process, raising concerns in regards to the increase in local population and the lack of school places.

The Millbrook Park development includes a 2 form entry primary school at phase 2a, although not directly attached to the reserved matters application currently under consideration the application has been submitted and is under consideration.

Responses from Statutory Consultees and Other Bodies

Internal Consultations:

Traffic and Development –

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

External Consultations

Metropolitan Police –

Have responded to the consultation and initially raised concerns regarding aspects of the development. Amended plans have responded to the comments and confirmation has been received that no objection is now raised to the proposed development.

Fire Brigade –

No response at time of writing. To be reported to committee in addendum.

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.

Environment Agency –

Have responded to the consultation and have not raised any objections to the proposal. It was observed that details of Bat boxes had been omitted from the submission as required by the details of the reserved matters condition.

English Heritage –

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.

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.

Residents' and Local Groups

The following residents' associations and local interest groups were consulted at both stages of consultation.

Ridgemont Residents Association; Finchley Society; Finchley, Friern Barnet and Golders Green Residents Association; Federation of Residents' Associations; Bittacy Hill and Sanders Lane Residents' Association; Woodside Park Garden Suburb Residents' Association; Mill Hill Residents Association; Mill Hill Preservation Society; Finchley Golf Course.

Mill Hill Preservation Society have been the only group to respond. Their comments

1.0 APPEARANCE

1.1 We are somewhat surprised by the use of chimneys on a scheme that is supposed to be an example of the use of alternative energies, where the chimneys do not serve fireplaces or form chimney breasts in houses. Their use is puzzling. Of even further surprise is that the design stimulus has come from Hampstead Garden Suburb, when there are in fact perfectly good examples of design stimulus to be gained from the Mill Hill area. One aspect of this is that the green swards in front of residences in the best of Mill Hill housing areas are non-existent in this scheme, and front gardens do not appear sufficiently deep in front of bay windows. Whilst there is sufficient private garden space there is insufficient public amenity space.

Officer Response

The chimney elements are considered to add significantly to the overall appearance of the development and in most cases have been designed to be functional. The dwellings will still achieve a code level of 4 as required by the Outline application. Whilst the depth of the front gardens is minimal this does accord with the minimum requirement of the design code.

1.2 The Street Elevation¹ – New Secondary Street (pages 42 & 75) does not have the same eaves detail that has been developed for the rest of the scheme. This makes the two large blocks on either side to the entry to phase 1A rather dominant and utilitarian. MHPS believe the scheme will be better with consistent construction details used throughout.

Officer Response

Elevations have been amended since the receipt of these comments and do now provide continuity in eaves details.

1.3 Whilst the application is not for transport and parking (and we acknowledge that the required parking standards have been provided) we do feel that the way the roads, footpaths and front gardens have been designed will cause the appearance of the scheme, in use, to be dominated by parked cars to the extent that the carefully structured environment will be destroyed. Survey figures show that 3 and 4 bedroom houses in Mill Hill have a higher car ownership than is planned for this development. Visitor parking provision at 4 spaces is also low.

Officer Response; As noted parking spaces are in accordance with the approved Outline Application. Car parking management (yet to be submitted but conditioned as a part of this recommended approval) will be key to prevent improper car parking on site.

1.4 Unit 54 is in a key position being on both the East-West Cross Route and the new Secondary Street, but it does not turn the corner well and space leaks out on the eastern side (behind it). In our opinion the unit should be relocated further to the south-east or additional planting needs to be provided in the 'gap' between the houses on plots 53 and 54 – or a combination of both.

Officer Response

The position of unit 54 has been amended since receipt of these comments in accordance with the suggested approach.

2.0 LANDSCAPING

2.1 There seems to be limited tree planting in the central part of the site, and the Community Street would benefit from a few more trees. Spaces between plots 10 & 11, the end of car space 38, alongside plot 30 come to mind.

Officer Response

Vehicular maneuverability to access the car parking spaces and pass oncoming cars prevent a significant increase in tree planting.

2.2 We are disappointed to see that there is no replanting whatsoever to compensate for the loss of the two mature oaks numbered T478 & T479 on the northern boundary, which looks barren as a result.

Officer Response

The loss of these two Mature Oaks is regrettable on both appearance and biodiversity grounds, unfortunately this loss was agreed within the Outline approval and is not a matter for consideration under the reserved matters application. Replanting along this boundary with a similar tree species would be unlikely to be successful in the long term given the level of impact that would occur to the rear gardens of the proposed houses.

2.3 Looking at the Landscape Maintenance Specification clause 226 TREE STEMS, we believe from experience, that the stated protection distance of 100mm round tree stems against nylon filament rotary cutters and other mechanical tools is too small. If the bark is damaged during maintenance the tree growth will suffer. We advise a larger protection distance be allowed.

2.4 The Sustainability and Energy Statement states in Clause 5.2 that "Where appropriate, water butts will be provided to garden areas etc." We could find no reference in the Design and Access Statement to these water butts, so we shall have to rely on the LBB to check this desirable detail.

Officer Response

The development will have to demonstrate the manner in which Code level 4 is achieved and such details will be confirmed under clearance of the appropriate Code Level outline condition.

3.0 LAYOUT

3.1 a) Whilst we appreciate great care has been taken over the hard landscaping, we are concerned about the mixing of people and children with cars. There is only a pavement on

one side of the Community Street. When pedestrians reach the eastern end of this it seems that they need to walk in the road to access the plots 15 – 30. Similarly this applies to plots 31 & 32 where pedestrians have to cross the road with no pavement on the other side.

Officer Response

The successful car parking management of the site and its shared surface will need to be demonstrated within the Car Parking Management Plan.

b) The parking courtyard to the west seems to be well served with a pavement, but the other two are less well provided. The parking courtyard to the east (with the doorstep play) might be easily revised to incorporate paths, but the central courtyard has less potential and this is a challenge as it incorporates the main pedestrian access into the site from the south. (These comments cover Plots 39, 40, 41, 42, 44, 45, & 46)

Officer Response

This issue is acknowledged however given the restrictive nature of the site there is not scope for additional designate pavement.

3.2 Refuse Collection: Section 4.10 (page 40) of the Design and Access Statement states that the tracking for waste vehicles has been checked so that they can access all areas of the site within a 10 m walking distance of the vehicle, MHPS are concerned that this is indeed the case. The courtyard housing cars parking 38 - 49 can be serviced if the waste vehicle reverses into it. Similarly the courtyard housing car parking 45 – 53, but reversing a Refuse Vehicle into these courtyards looks difficult. The courtyard behind the 'doorstep play' area with bin access to plots 31, 32,33, 34, 35, 36 and 37 looks very tricky to service by a refuse vehicle. Once a service vehicle has turned into the lane on the northern edge (plots 17 – 24) it is not clear that there is room to turn round to drive out. These matters need to be checked by the LBB s we have no means of doing so.

Officer Response

Highways Officers have confirmed satisfaction with the tracking demonstrated for the refuse vehicle shown on site and access to collection points.

3.3 The Society is keen to see the maximum use made of alternative energies, and having committed to this view we do not share the applicant's concerns about visually intrusive elements on roofs. Having said this we accept that PV roof-tiles can be used to provide the necessary alternative energy as set out in the Sustainability and Energy Statement. Clause 6.2 states that each house will have 9 sq m of Photovoltaic panels but there is no indication on the plans where they are to be installed and so we have not been able to check the roof slopes have been arranged to the correct orientation. There is no way of checking this aspect from the information provided and we trust the LBB will do so.

Officer Response

The location of proposed photovoltaic panels has now been demonstrated on plan WIM-MBP-101-PV array. A condition is attached requiring additional information and elevations.

3.4 The eastern Introductory Gateway Space has a form and footpaths that lead to brick archway that in turn leads to 2 private gardens. This is an opportunity lost as the arrangement could provide for good pedestrian access into the heart of the scheme. MHPS feel this detail needs to be reconsidered.

Officer Response; This is a point raised by officers at early discussions with the developer, unfortunately it has not proved to be practically possible.

4.0 SCALE

4.1 The scale of the development is generally in line with the Millbrook Park Design Code November 2011. The eastern part of the scheme is defined in the Design Code as Green Belt Edge with the western park overlapping the Central Slopes East. It is clear that the applicant has worked to reflect the Design Code definitions.

4.2 We are confused on the housing mix. The Planning Statement on page 18 under the clause 'Policy DM08' states under iii) For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedroom are a medium priority. Our confusion comes from pages 9 and 23 where it states that the actual provision is for 39 x 3 bedroom units and 19 x 4 bedroom units, and this seems to go against the stated priorities as there are more medium priority units to be provided than high priority units. This is especially an issue when looking at the spread of units over the whole of Millbrook Park where there is a greater chance to provide the larger homes in the green belt edge areas than in some of the other designated zones. The housing mix needs to be reconsidered.

Officer Response

The housing mix proposed is established in accordance with the approved Outline application which has considered the overall dwelling mix for Millbrook Park against the council's requirements.

4.3 The density of the scheme is calculated at 40 dwellings per hectare which is acceptable and within the parameters of the Design Code. The calculation for habitable rooms per hectare comes out at 198, which is within the accepted range of 150 – 200 but is right on the upper limit. We believe this upper limit causes the scheme to be too dense in certain locations and we would prefer the following changes that would have an impact on the overall scale of the proposals:

a) In our opinion, units on Plots 21 & 22 need to be reduced in height (to match plots 23 & 24) so that the scale of the buildings next to Frith Lane and 'the Green Belt Edge' are of consistently smaller scale.

b) The north elevation to the 'Community Street' is consistently at 3 storeys, interspersed with garages and bedrooms over. The opposite side of the street is all at two storeys – this makes the 'street' look unbalanced and the gradation in scale is north/south rather than east /west. We suggest that the street would look better balanced, and the spread of density across the site more in line with the Design Code if the plots 11 & 12, and 13 & 14 were constructed with 2 storey frontages. These changes would have the possible effect of reducing the habitable rooms per hectare a little, but in our opinion there is scope for this in a Green Belt Edge situation.

Officer Response

Amended plans significantly changing the design approach to these streets have been received since these comments were made. It is acknowledged that the size and amount of development on site do come close to the London Plan density matrix limit, however proposals accord with the approved Outline Planning Permission and are considered to be appropriate in terms of impacts upon appearance and amenities of future occupants.

In conclusion, the expressed "vision" for the scheme states ... "These are verdant, wholesome and picturesque streetscapes that exemplify qualities in which people aspire to live, then as now. We seek to create streets using a familiar language of materials, details and plant species, sustainably appealing to the consumer of today – simple, recognisable, beautiful and green." If the scheme attains this vision then MHPS will be satisfied, and we

hope our comments will be a contribution to it fulfilment.

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

3.1 Site Description and Surroundings:

The site falls within Phase 1a ('Development Land Parcel 1a') of the outline consent and relates to an area approximately 1.45 hectares (Ha) in size.

The Phase is located on the eastern side of the of the Mill Hill East site (Millbrook Park) abutting Frith Lane and to the south of the existing Ridgemount residential development.

Across Frith Lane sits an area of Greenbelt. Woodland at the edge of the road provides screening to the Finchley Golf Course.

The back gardens of two storey terraced units in this development back onto the northern boundary.

Other phases of the Millbrook Park development are to the south and west. To the south the Primary east-west link road (Link Road) would separate the site from Phase 2a, where a 2 form entry primary school is proposed. To the west site will face Phase 1 over a new north-south oriented road. Phase 1 proposes 133 units and parameter plans allow up to 4 stories in height facing Phase 1a. This road was approved as a part of the pre commencement conditions.

The application site varies in levels with a six meter drop in height across the site to the south east.

The site has been cleared of all buildings in preparation for development.

3.2 Proposal

The application seeks approval for reserved matters including Landscape, Appearance Layout and Scale for the erection of 58 houses comprising 39 x 3 bedroom houses and 19 x 4 bedroom houses. All of the proposed units in this initial phase are for private sale.

81 car parking spaces would be provided allowing 2 spaces per 4 bed unit and 1 space per 3 bed unit with 4 remaining 'visitors' spaces.

Access to the site would be in accordance with approved advanced infrastructure proposals (H/00480/12) which established details of the Link Road to the south of the site joining Frith Lane and a secondary road to the west of the site separating phase 1a from phase 1. Vehicular access to the site would be off this secondary road. The internal road would not be adopted by the council, and would include shared surfaces. The road would be constructed to adoptable standards.

The majority of car parking spaces would be on curtilage in integral garages or on front/side driveways. 32 allocated spaces and 4 visitors spaces are proposed on street and are partly provided within two parking courts.

From parking courts access to the rear of houses fronting the Primary east-west link road would be accommodated through rear gardens.

A shared surface approach has been taken to the unadopted internal roads. The narrow estate roads are proposed as 20mph zones.

Pedestrian permeability is achieved on site with two access points to Frith Lane and a single access point to the south between two gateway buildings.

The eastern parking court would be fronted by a landscaped area of doorstep play.

To the eastern boundary fronting Frith Lane a green edge is proposed to the site to maintain the existing 'wooded' nature of this road. The proposed planting scheme would include new mixed species hedgerow and a variety of tree planting supported by the retention of the existing hedgerow where possible and 8 mature trees.

At the south eastern corner of the site a public lawn is proposed as an 'introductory gateway space' alongside the Frith Lane Entrance to the wider Millbrook Park Development'.

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 5 seeks details to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development.

The outline planning permission consists of a series of parameter plans. These set parameters and principles to create a framework of planning control and to 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 1: Access and Movement (A6157/2.1/03 Rev A)
- Parameter Plan 2: Landscape (A6157/2.1/04)
- Parameter Plan 3: Land use (A6157/2.1/05)
- Parameter Plan 4: Scale (A6157/2.1/06)
- Parameter Plan 5: Character Areas (A6157/2.1/07)
- Parameter Plan 6: Levels Strategy (A6157/2.1/08/ Rev A)

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:

- Strategic Development Framework:
- Design Principles Document (MHE/OPA/3) and associated addendum (MHE/OPA/3.1) and errata (MHE/OPA/3.2)
- Revised Transport Assessment 15th December 2010 (MHE/OPA/4.1) and addendum to Transport Assessment dated 11th January 2011.
- Revised Public Realm and Open Space Strategy (MHE/OPA/5.1)
- Technical and Infrastructure Strategy (MHE/OPA/6)
- Revised Housing Strategy (MHE/OPA/7.1) which includes table A6157.1 (approved

development schedule)

- Revised Community Facilities/Social Infrastructure Strategy (MHE/OPA/8.1)
- Revised Environmental Sustainability and Energy Strategy (MHE/OPA/9.1)
- Revised Phasing and Delivery Strategy (MHE/OPA/10.2) which includes phasing plan ref Figure 4.1

In addition to the above a site wide design code has been submitted and approved in the clearance of condition 4 of the Outline Application.

The design code was approved by the Planning and Environment Committee on 19 December 2011. It provides a set of detailed design standards against which to assess reserved matters applications to ensure a cohesive and high quality appearance to the development. Any non-compliance with the Design Code has to be identified with clear reasons given for non-compliance.

The reserved matters application is therefore considered within the framework of established broad development principals, Parameter Plans, and a detailed design code.

1. MATERIAL CONSIDERATIONS

Details of access arrangements to this site have already been approved by the outline application (H/04017/09). Access includes accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

The remaining Reserved Matters currently under consideration are:

Scale – the height, width and length of each building proposed in relation to its surroundings.

Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

Appearance – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

Scale

The majority of the proposed 58 houses are semi-detached, with occasional terraced and detached units. Almost all of the houses vary in height between two and three storeys, the one exception to this is found on the south west corner of the phase where a 4 storey building is proposed.

The heights of the buildings proposed meet the requirements of the approved parameter plan for Scale which restricts the majority of the site to 3 stories whilst allowing a rise to up to 4 stories on south of the site towards the interface with Phase 1.

The proposed houses also fall within the required width and length parameters stipulated within the 'Scale' Parameter plan.

39 x 3 bedroom houses and 19 x 4 bedroom houses are proposed . Within the 1.45ha site this would result in a density of 40 dwellings per hectare.

This number and size of units is in accordance with the indicative mix submitted as a part of the Outline application and the Target density proposed in the Design Code.

The 58 proposed units are all large 3 or 4 bedroom houses, for this reason a calculation of density by habitable room gives a better impression of the amount of development occurring on site. The proposed houses would have a total of 287 habitable rooms equating to a density of 198 habitable rooms per hectare.

For a site of the suburban character and Public Transport Accessibility Level (PTAL) (level 2) of phase 1a the London Plan recommends a density range of 150-200 Habitable rooms per hectare. At 198 habitable rooms per hectare the proposal would accord with the upper end of acceptable density levels established by London Plan Policy.

The proposals accord with the scale parameters set by the outline application on Plan A6157/2.1/06 and fall within an acceptable range of density as laid out in the design code and in the London Plan they are therefore considered to be acceptable in this regard.

Layout

The proposals demonstrate an internal road and building layout in accordance with the illustrative Masterplan and the Access and Movement Masterplan.

A single vehicular access to the site is proposed from the secondary north-south road. This central estate road which turns north alongside Frith Lane. To the south off the central estate road two Car parking courts and a cul-de-sac road with pedestrian access are reached.

The development would face out on three frontages, towards Frith Lane, to the south across the east-west link road and to the west facing phase 1.

The Frith Lane frontage would be set well back from the road edge. Those buildings flanking the roadway would pick up on the established building line of Ridgemont to the north. A planted buffer strip including hedges and trees would visually separate the development from Frith Lane.

To the south the houses would be set back from the east west link road by a grass tree planted verge which would taper off to the west to leave a pavement fronting shallow hedged front gardens. The orientation of the buildings would respond to the curved nature of the east-west link Road. On the south west corner of the phase a 4 storey Tower building would mark the gateway to this road responding to the height of Phase 1.

The western frontage facing phase 1 would begin with the 4 storey tower building which turns the corner of the site. To its north two terraces of 4 houses providing a gateway to the estate road flanked by Cat slide roof features.

To the northern boundary where the site meets the Ridgemount, back to back relationships would be established responding to the existing development and establishing appropriate privacy distances.

As a result of the relatively high density proposed, as detailed above (198 habitable rooms per hectare) and space requirements for the 'garden housing' character of the properties proposed the development site can be considered to be optimising the available land on site

by securing 58 family houses.

The amount of development does however result in a number of properties facing each other in close proximity and this relationship has the potential to have an overbearing impact upon future residents.

Four instances of particular concern were highlighted to the developers at submission: Unit Numbers 15 and 16 facing 17 and 18; units 21 and 22 facing 25; Unit 32 facing 30 and unit 44 facing unit 42. In these cases the flanks or fronts of buildings were faced over distances of 8m and below and the resulting impacts were considered to be unacceptably overbearing.

Amended plans have been submitted widening distances to between 9 and 10 meters. Further distance would only have been achieved at the expense of impacting the level of privacy to the rear of properties. In addition the bulk of built form at these pinch points has been reduced through the use of $\frac{3}{4}$ hipped roofslopes in place of Gable ends and in one instance a reduction from 3 storeys to 2.5 storeys.

Although the buildings are still in close proximity to one another and a level of impact would result to future occupants it is considered that amendments undertaken are sufficient to prevent significant impacts resulting.

Overall the layout is considered to accord with parameter plans and the approved Design Code. The Layout is therefore considered to be acceptable.

Appearance

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.

The proposals take their design inspiration from the Garden suburb with arts and crafts influences. A palette of architectural features has been selected to achieve coherence across the site between the various housing types which have individually been designed to respond to their function, location and surroundings.

In prominent and gateway locations along the East West Road five distinctive 'Tower' units are proposed. The tallest of these is the 4 storey building on the south western corner of the site across from Phase 1, the buildings include recessed wings at 2 storeys in height with a narrower tower element of 3 or 4 storeys in height. Fenestration has been used to emphasise the slenderness and verticality of the buildings. Rooflines have been kicked with their eaves and exposed rafters extending out beyond other roof types.

Other features used throughout the site include:

Chimneys in prominent locations, such as terrace ends to enhance the articulation of the roof line and to provide interest to flank walls whilst providing functioning fireplaces to some homes.

Expressed gables with occasional cat-slide roofs at the ends of street frontages and to 'gateway' the vehicular entrance. The terraces in this gateway location make use of the cat-slide feature to add variation and enhance way finding using elevational devices as identified within the Design Code.

Hipped roofs, some with gablets (small gables at ridge level) and some 2/3 hipped, have been introduced to vary the roofline, reduce massing and shading between units.

Exposed rafter detailing to the roof eaves is used throughout the unit types.

Materials

Samples and photographs of materials have been considered in selecting the following materials:

To the eastern part of the site, largely fronting Frith Lane a brown brick –Capital Brown Multi Stock – with a natural flush mortar which would be combined with a Rosemary Light Brindle Clay Tile.

The remainder of the site would be of red brick -Oakthorpe Red Multi- and flush natural mortar. A Weathered Cambrian Slate Grey Tile would be used on roofslopes in this area.

A sample of a white double glazed wood window with discrete trickle vent has also been provided and is considered appropriate though details of the make and model are yet to be provided.

The samples are considered appropriate in terms of the design approach the location and the ability for future phases to respond to the materials future phases at interfaces, however a materials condition has been attached to the recommendation to ensure the provision of full and correct details.

Combined with the landscaping details which are key to the establishment of a garden suburb character (discussed below) it is considered that the architectural approach would result in a high quality development in accordance with the requirements detailed within the design code.

Photovoltaic Panels

The outline planning permission requires the provision of 10,000m² of photovoltaic panelling by occupation of the 1,500th unit at Millbrook Park. As a result each phase is subject to a required proportion of panelling to achieve this figure. A plan has been submitted demonstrating the proposed locations of the photovoltaic panelling.

To the extent that it has been possible, these have been located discreetly to minimise the impact that they would have on the end appearance. To further reduce their appearance within the Weathered Cambrian Slate Grey roofs a flush panel is proposed which would not stand above the tiles. A similar approach is unfortunately not possible within the clay roof tiles.

A condition has been applied relating to the provision of further details of Photovoltaic tiles, this is to ensure that as little impact as possible occurs to the overall appearance of the proposal. It is also possible that following discussions between the GLA and the Inglis Consortium an application to vary the Outline application condition may result which could result in a reduction of the area of panelling required subject to a parallel level of carbon reduction achieved through alternate sustainable design approach. If this can be established

a reduction in the required proportion of photovoltaic panels would result. The condition would allow this reduction to be picked up at a later stage if it occurs.

Interface with Other Phases

Phase 1a is located adjacent to 3 other future phases of the masterplan - Phase 1, Phase 11, and Phase 2a.

Phase 1 and Phase 2a have been submitted to the council and are currently under early planning consideration. The transition between these two phases has been considered to allow cohesion between the sites.

Phase 1 is a residential scheme of 133 flats and houses. The current proposals for this site propose a contemporary scheme with flat roofs. Phase 2a is a new primary school with associated sports pitches.

The design response to the phase 1 interface include a response to the scale of the proposed facing blocks of flats through the use of two terraces of 4 units along this frontage, these would rise to 3 storeys (the maximum storey height allowed within the parameter plans) to respond to the 4 storey height proposed at phase 1. The mass formed by a terrace of houses is more in keeping with the scale of the facing phase and also represents an increase in residential density when compared to the semi-detached properties typical of the proposals. On the corner the 4 storey tower building has been aligned with the latest iterations of the Phase 1 scheme.

The soft landscape proposals for the north south street treatment and boundaries fronting onto it can be picked up within the design of the Phase 1.

To the south the main interface with the school site at phase 2a will be in the form of a brick wall to the far edge of the pavement. This wall represents a significant retaining structure separating the phase in terms of both height and distance from the actual school building which would be set well away from this boundary wall. It is proposed that discussions with the developers of Phase 2a should include a coherent approach to the mortar colour and style used on the facing wall. It is not considered necessary to repeat a brick type from phase 1 due to the separation achieved across the link road.

To the south east the interface with phase 11 is again separated by the link road. Given the lack of details currently available regarding this phase and the likely timescales of its submission and build out it is considered that interface issues will be best dealt with when considering its detailed design in the context of any surrounding development including phase 1a.

Overall the Appearance and design of the proposal is considered to be of a high quality, and in keeping with the principals established within the Outline application and the Design Code. The proposals are therefore considered to be acceptable on design grounds.

Landscaping

Landscape proposals have been established with particular regard to the treatment of the front and rear garden boundaries.

Formal hedge planting is proposed throughout with interest created through changes in height, species, detailing of the gate and fence posts and variations to the treatments at key locations.

The rear garden boundaries facing the public realm are formed of a 1.8 metre high hedge

without any posts. A lattice panel is positioned behind to provide security whilst the hedge establishes and a timber tongue and groove panel gate provides access. 1.5m trellis panels form the side to side rear garden boundaries

The landscaping approach relating to the setting of the houses would respond to the hierarchy of the streetscape in keeping with the requirements of the design code whilst providing a contemporary take on the Garden Suburb.

Frith Lane Frontage

A key element of the site's landscaping proposal is its treatment of the planted buffer along the boundary with Frith Lane. The Design Code requires this to be at least 5m in depth with the intention of maintaining the wooded edge to Frith Lane whilst allowing glimpsed views of the phase from this road. is key to the landscape proposals.

The existing hedge and planting along this elevation has grown and developed organically and haphazardly over a number of years and as such is presents a mixed and varied form to the road frontage. Where possible to the north approximately 41m of the existing hedgerow would be retained. To the south this is not possible as approved road widening to allow access to the Link Road would result in its loss. In this area a new mixed species hedgerow and a mix of native tree planting is proposed.

Two pedestrian gateways would be provided along this boundary punctuated with formal tree planting, a post and rail fence to either side and a change in surface material.

Front Gardens

The hedge strategy continues within the site around the shared surface areas. A change in species and reduction in height provides a planted privacy strip whilst keeping a strong green frontage to the streetscape.

Where gardens are more generous, lavender planting is included to provide additional interest.

At key junctions low posts to match those along the east west connection are provided to create a feature whilst protecting vulnerable corners.

Hard Landscape

A simple, robust palette of materials is provided in accordance with the requirements of the design code.

Subtle changes to unit size, bond pattern and colour define public and private spaces, trafficked and pedestrian zones.

Pedestrian gateways are defined by feature paving with a timber post and rail fence running either side to match the Millbrook family of fences.

Tree guards are also formed of a low post and rail, 600mm high to match the height of posts in the front gardens.

Landscape proposals are considered to accord with the approved landscaping parameter plan and the more detailed requirements of the Design Code.

The landscaping approach is considered to be in accordance with design principals design code and parameter plans, will achieve a verdant Frith Lane frontage and will frame and

complement the architectural approach whilst increasing the overall biodiversity of the site's environment.

Amenities of Future Occupants

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The layout proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking. However the number and size of houses proposed for this phase do result in concerns being raised at key pinch points as discussed above under 'Layout'.

It is considered that in the four instances identified (Unit Numbers 15 and 16 facing 17 and 18; units 21 and 22 facing 25; Unit 32 facing 30 and unit 44 facing unit 42) outlook is compromised by the close proximity of buildings to one another, however amendments including increasing their separation distances and reducing the facing bulk of these units have been sufficient to prevent such impacts from being considered significant.

Privacy and overlooking

Across the majority of the site privacy distances are considered to be in keeping with policy requirements. In particular rear garden distances have been retained at 21m for facing windows to habitable rooms. This is only breached in one instance between properties on site where this distance drops to 20m as a result of achieving a marginally increased separation to the fronts of buildings.

Privacy issues between habitable rooms to the front of the buildings are of concern between semi-detached properties at units 15 & 16 and 17 & 18. At ground floor windows would face each other over a distance of 9m, rising to ten at upper floors. However as this is to the active street frontage and these units retain adequate privacy to the rear it is not considered that the issue raises a significant concern.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The Mayor's Housing SPG November 2012 includes a wider ranging Minimum Floorspace Table based upon the same standards under Annex 4.

As demonstrated below all of the units proposed would have a gross internal floor area which exceeded the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

Unit Type	Number Beds and people	Number Hab rooms	Number of Type of unit	Gross Internal Area per unit m²	Mayor's Housing SPG GIA/unit m²
A1	3b6p	4	12	117	111
A2	3b6p	4	2	123	111
A3	3b6p	4	2	120	111
B	3b5p	4	4	107	102
F1	3b6p	5	1	137	111
F2	3b6p	5	3	137	111
F3	3b6p	4	3	122	111
I	3b6p	6	2	137	111
J1	3b5p	5	2	139	102

G	3b6p	4	8	126	111
D	4b8p	6	2	151	133
E1	4b8p	6	5	149	139
E2	4b7p	5	3	136	118
J2	4b6p	6	4	155	113
K	4b7p	8	4	200	124
L	4b7p	8	1	217	130

Private Amenity Space

Private amenity space for the new homes is provided in the form of individual rear gardens to all dwellings. Only a single unit (No.42) fails to achieve the minimum area requirement for amenity space under the Council's guidance in its Draft Sustainable Construction and Development SPD. The majority far exceed the required areas.

Unit 42, a 3 bed 6 person unit, has a rear garden area of 35m², 20m² less than the SPD's target.

Whilst the Garden Housing typology established within the Design Code and the large family nature of the units proposed raise the importance of providing a satisfactory level of private amenity space, this dwelling is located within 100m walking distance of the eastern park and within 30m of the area of doorstep play.

It is considered that alternative amenities would be available to any future occupants of this private sale property and that given the fact that all other units would achieve or surpass the requisite garden size standards the proposal is acceptable on grounds of private amenity space provision.

Public Open Spaces

No formal play provision is proposed as a part of Phase 1A due to its close proximity to a Local Area of Play in the eastern Park adjacent to Phase1.

100m² of informal play space is provided within a landscaped area of Doorstep play to the north of the eastern car parking court. This would incorporate a grassed area with two wooden children's play sculptures, a tree with a surrounding circular wooden bench and further soft landscaping. A hedge would form the boundary of the doorstep play area with low wooden gates providing a level of separation from the roadway. A level of security would be given to users of the area through overlooking from windows on the flank elevations of adjacent properties.

Although the doorstep play area was not included as a necessity within the Design Code it is considered to be a positive addition to the proposal providing future residents with a communal area of open space in their ownership to supplement private garden amenity space.

Public Gateway Open Space

At the South eastern corner of the site adjacent to the junction of the primary east-west link road the Design Code suggests a Landmark building could be appropriate to provide a gateway to 'Millbrook Park'. The proposal instead incorporates a 'gateway open space' thereby drawing the openness of the greenbelt edge into the Mill Hill Site and providing a public amenity framed by two detached houses and allowing the retention of existing mature trees.

The resulting environment created for future occupants is considered to be of high quality

meeting requirements of both internal and external amenity space. The proposals are therefore considered to be acceptable in terms of the impact upon future residents.

Impacts on amenities of neighbouring and surrounding occupiers and users:

The application site shares a boundary with properties at the Ridgemont and back to back relationships are proposed the 21m standard is achieved in the majority of instances and only being broken marginally with a reduction to 20m in one location. This is not considered to have a significantly detrimental impact upon neighbouring occupants.

The scale of the proposed houses and distances achieved to neighbouring occupants prevent concerns over significant overshadowing or loss of light to these units.

Noise

The residential dwellings proposed would not be expected to generate 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.

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.

Affordable Housing

It has been established in the outline Planning application that due to high initial infrastructure costs no affordable housing will be provided in Phase 1a.

Transport, parking and highways matters:

Internal Estate Roads

As part of the outline consent, it was agreed that both un-adopted and adopted streets will be designed to accommodate refuse and emergency vehicles across the whole development. Swept paths / tracking provided show that refuse and emergency vehicles can manoeuvre safely. This is highlighted on drawing ref: WIM-MBP-(AL) 010 Rev. T.

The main access road leading to Phase 1A is narrowed at places with the planting of trees to a minimum width of 3.7 m in line with the Design Code. At these pinch points, only one way traffic movement can be achieved, the distances between these pinch points are considered to allow vehicles to pass one another without endangering pedestrians on the shared surface and it is therefore considered acceptable.

Accessibility and Inclusivity

Six houses within Phase 1a which are wheelchair adaptable. The allocated car parking spaces to these houses must be in close proximity to their entrance points.

Plot 32, a wheelchair adaptable unit, has a car parking space 16m from the front entrance. The mobility needs for the disabled users must be considered on this newly created environment and further advice can be found from Department for Transport 'Inclusive mobility'.

A condition requiring submission of an accessibility statement is required to ensure that the layout of disabled car parking spaces is acceptable.

Materials

The surface materials proposed are in accordance with the design code specifications, in accordance with the outline consent, condition 4. The Design Code for Millbrook Park specifies the 'must do' and 'should do' items for highways under the 'Movement hierarchy' and 'Materials' sub headings.

The drawing number MBP AL9-100Rev C provides details of hard surfaces proposed for this phase of the development. The access road serving this development will be constructed in permeable concrete block pavers.

Pedestrian Facilities

Access and movements were established as part of the outline application under the 'Pedestrian favoured streets' shared surfaces are supported in this phase within the Design Code.

With regards to the pedestrian permeability with the surrounding area, three access points are created, two of these will be providing better pedestrian links with Frith Lane. The other access point is created to improve the pedestrian permeability, linking this phase with the south side of Mill Hill regeneration.

The crossing point is designed to be slightly away from the pedestrian desire line and it goes through Plots 43 and 47. The drawings submitted also show the proposed technical drawings for the East West road with no formal crossing facilities provided in the near vicinity.

The east west link road crossing falls outside the boundary of this reserved matters application. Highways officers have advised of the importance of this crossing point between Phase 1 a and the school site.

Parking

Car parking is provided on, a one to one ratio for 3 bed houses and 2 car parking spaces are for the 4 bed houses. A total of 77 car parking spaces are provided which complies with approved criteria for the development. In addition, there are 4no car parking spaces provided for visitors. The allocation of parking spaces are shown on a drawing submitted ref: WIM MBP-(AL)-010 Rev. T and location is considered to be in close proximity to the properties.

Tracking has been provided to demonstrate the accessibility of the tightest car parking spaces.

In the design and access statement, it is mentioned that 4 visitors spaces could be used also as car club spaces. A condition attached to the outline application has already established the location for such spaces outside of Phase 1a therefore in accordance with the clearance of this condition the 4 spaces as shown in this proposal to be used only for visitors.

A Parking Management Strategy has yet to be submitted and must be conditioned in order for the proposal to be considered acceptable. This will demonstrate how vehicles will be prevented from parking on the non designated areas, in particular on the shared through route which is essential for traffic movements and the free flow of traffic. The strategy should clearly mark the parking spaces, and provide sufficient information to demonstrate that monitoring and enforcement to prevent illegal parking will be in place prior to occupation of the first dwelling.

Cycle provision/parking

In this proposal each house has a secure bicycle storage at the rear of the properties. These appear to demonstrate the provision of two cycle parking spaces but do not provide sufficient detail a condition requiring details of the proposed cycle storage is recommended to ensure compliance with the London Plan requirement for 2 x cycle storage spaces per 3 or more bed unit.

Refuse/Recycle

The LBB's guidance notes "Information for developers and architects – provision of domestic and organic waste collection services, and recycling facilities" include details on refuse bin sizes required for new dwellings and provisions required for recycling. The walking distance from the kerb to the location of the bins is less than 10m in all cases.

The tracking of refuse and recycle vehicles must be assessed taking into the account LBB's vehicles and the measurements are provided on the guidance noted mentioned above. Please include a Condition to provide swept paths.

The entry-through road on Phase 1A and other roads serving this development are not proposed to be offered for adoption. Nevertheless, the roads and other shared surfaces on this development must be constructed to withstand the largest type loads of vehicles proposed to enter/exit these areas. An indemnity condition has been included on the Outline application for all phases. An informative will be included on this recommendation.

Design Details

Further details to follow that deal with other highways elements, such as: lighting columns proposed locations (and other lights, if applicable), an assessment to ensure that needs for disabled users have been addressed, as well as the proposed signs location used for informative purposes, or other signs proposed.

Recommendation

Subject to the conditions attached the application is considered acceptable on Highway Grounds.

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 proposed development would include 6 units which would be fully wheelchair accessible or easily adaptable for residents who are wheelchair users. This is in excess of the 10% requirement. As outlined above 6 of the parking spaces proposed would be provided to a disabled parking space standard.

Condition 70 of the outline planning application H/04017/09 requires all houses in the Mill Hill East redevelopment to be built to Lifetime Homes standards.

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. Concerns raised by the police have been addressed in the amended plans to their satisfaction.

Energy, climate change, biodiversity and sustainable construction matters:

Sustainable design and construction

The application is accompanied by a Sustainability and Energy Statement. This document sets out the applicant's commitment to achieving level 4 under the Code for Sustainable Homes and demonstrates 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.

Photovoltaics

In part to achieve the targeted Code level of 4 and in accordance with condition 88 of the Outline Application, requiring the provision of 10,000m² of Photovoltaic panels prior to the occupation of the 1,500th unit at Millbrook Park it is necessary for phase 1a to accommodate 387m² of Photovoltaics. The inclusion of this level of panels within the roofslopes has been demonstrated in plan WIM-MBP-101-PV array – 12/12/04.

Roofslopes have been selected in order to both optimise the function of the panels and reduce their impact upon the appearance of the development.

A condition has been recommended requiring additional details in relation to this aspect of the proposal.

Biodiversity matters

Phase 1a has been exempted from the requirement of Green or Brown Roofs required by condition 85 of outline planning application (H/04017/09) due to the pitched roofs proposed which would not accommodate such a feature.

The landscaping proposals with particular reference to the green edge to Frith Lane are considered to be beneficial in terms of the provision of a mixed species hedge and planting buffer which will act as a green corridor to the eastern edge of the site linked to the existing planting fronting the Ridgemount site and in close proximity to the Greenbelt woodland across the road. In addition a number of bat and bird boxes are proposed in the retained trees on site.

Although the development will result in the loss of two mature B grade Oak trees to the north of the site with a corresponding detrimental impact to existing biodiversity this loss was accepted as a part of the Outline application.

In terms of the proposed landscaping the development is found to be acceptable and compliant with policy on biodiversity and nature conservation matters.

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 Phase 1A development will offer inclusive design for safe and easy use for all. Part M, Lifetime Homes (LTH), The Disability Discrimination Act (DDA) and The Habinteg Wheelchair Housing Design guide have guided the development and resolution of the proposal.

The public realm has been designed to be welcoming and robust while being readily understandable. The use of a shared surface (combined road and pavement) along with low car speeds (max 20 mph) will create a continuous public realm to assist navigation through the development and the enclosure of private gardens and spaces will enhance legibility and security.

Most parking is on plot however where parking courts occur these have been designed to be flexible in their use, comfortably accommodating the needs of the car as well as pedestrians and cyclists. Informal play space has been integrated into the public realm.

Both Lifetime Homes and Habinteg's Wheelchair design guidance as well as Building Regs Part M have been followed to optimise levels so that paths and roads are navigable, level or gently sloping, and entrances can be negotiated by all. Level surfaces are used on all roads and paths. In some cases due to the extreme falls across the site some gradients reach 1:13 units and this has resulted in prioritisation of compliance with guidance with Part M being always being achieved.

Frith Lane is accessible at two points from the site via a well overlooked gently sloping pathway, which access form the centre of the site. Access can also be achieved on foot or by wheelchair form the west and south.

The Highway report describes our detailed highway strategy incorporating discussions and agreement with highway officers. Tracking and audits have been carried out to ensure that cars as well as Emergency and Refuse vehicles can access the site.

Movement within buildings and access to refuse and bike stores has been integrated with the site wide access strategy.

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.

6. CONCLUSION

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 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, the parameters established by the Outline application and the approved Design Code. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, **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.
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 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 58 new family 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: The proposed development makes optimum use of the site whilst remaining within the Density Matrix range.
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.	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. 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.
Policy 3.6	New housing should make provision for	Compliant: The proposal provides sufficient

(Children and young people's play and informal recreation facilities)	play and informal recreation based on the child population generated by the scheme and an assessment of future needs.	quantities of space for play and informal recreation in accordance with the Millbrook Park application and has also provided a distinct area of doorstep plan. The Proximity of the site the the Eastern park and the private gardens have justified no further provision.
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.</p> <p>A balance in full accordance with the council's objectives would be achieved by the wider Millbrook park development.</p>
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>	<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>
Policy 5.3 (Sustainable design and construction)	<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. 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>
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>	<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>

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.	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.
Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15 (Water use and supplies)	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.	Compliant: Thames Water has confirmed that there is adequate waste water infrastructure to accommodate the development. Conditions have been recommended to ensure that the proposal would minimise the use of mains water and conserve water.
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 and provide appropriate levels of parking in the relevant regards.
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.
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 realm); 7.6	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to	Compliant: Officers consider that, subject to the requirements of the conditions recommended, the proposed development provides an appropriate and quality design approach to the buildings and spaces which form part of the application. The proposal is

(Architecture)	<p>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>considered to demonstrate the influence of these policies and compliance with their key objectives where they are relevant.</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 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>
7.13 (Safety, security and resilience to emergency)	<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>
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. 	<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>
7.21 (Trees and woodlands)	<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.</p>

**Table 2: 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.
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: The proposal makes optimum use of the site complying with the Outline Permission and falling in the appropriate range of densities established by the London Plan.
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 	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 proposed being constructed to achieve the relevant Lifetime Homes standards.

	<p>wide target of 40% affordable homes on sites capable of accommodating 10 or more dwellings.</p> <ul style="list-style-type: none"> - Seek an appropriate mix of affordable housing comprising 60% social rented housing and 40% intermediate housing. 	
CS5 (Protecting and enhancing Barnet's character to create high quality places)	<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>
CS11 (Improving health and wellbeing in Barnet)	<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.</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>

CS13 (Ensuring the efficient use of natural resources)	<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>
CS14 (Dealing with our waste)	<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>

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 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</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</p>
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	<p>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 trees and their root systems.</p>	<p>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 trees planting has been proposed.</p>
DM02 (Development standards)	<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>
DM03 (Accessibility and inclusive design)	<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..</p>
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 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</p>	<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>

	prone to flooding.	
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>
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>	<p>Compliant: The submission is considered to demonstrate the influence of this policy and provides an appropriate mix of dwelling types and sizes.</p>
DM16 (Biodiversity)	<p>The Council will seek the retention and enhancement, or the creation of biodiversity.</p>	<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>
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. - 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 	<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 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 sufficient parking spaces (including disabled standard spaces) for the 58 dwellings proposed, which is sufficient to comply with the Local Plan parking standards and the approved outline consent.</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>

	<p>following per unit maximum standards:</p> <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). <p>- 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>	
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AAP POLICY	Key REQUIREMENT	Comment
General Policies		
MHE1	<p>Area for Intensification-Development will comprise:</p> <ul style="list-style-type: none"> • A total of around 2,660 residential units including 2,000 new units; • Minimum of 500 jobs; • Around 1,000 sqm of retail floorspace; • 2 form entry primary school; • Community and health facilities; • Open space and children's play facilities. 	<p>The proposal is designed in accordance with the approved outline planning application and would go towards achieving the requirements of this policy.</p>
Residential Development		
MHE2	<p>Housing-</p> <ul style="list-style-type: none"> • Mix of housing types including a significant proportion of family housing. • A target of 50% Affordable housing • A net average density of 85dph. • Development to be built to Lifetime Homes Standard 	<p>The proposal would provide a significant proportion of family housing but has no requirement for affordable housing in keeping with the outline permission.</p>
Green Spaces and the Environment		
MHE8	<p>Children's Play Space</p> <p>– Provision on site based on assessment of need</p>	<p>Doorstep play space would be provided in accordance with the requirements of the design code and the Outline permission.</p>
Transport and Access		
MHE12	<p>Sustainable Transport – To include</p> <ul style="list-style-type: none"> • A bus route between Bittacy Hill and Frith Lane; 	<p>The S106 agreement contains a comprehensive package of funding for highways measures including works to improve the station forecourt; provision of cycle paths and</p>

	<p>and</p> <ul style="list-style-type: none"> • Improvements to Mill Hill East Underground station, station forecourt and bus Interchange preparation of a public transport strategy and contributions towards the provision of public transport. Direct and safe walking/cycling routes across the development. 	<p>funding for buses.</p>
MHE13	<p>Parking Residential parking to vary across site dependent upon proximity to public transport and unit size. UDP standards will be taken as a maximum and a lower car parking ratio encouraged. Provision of travel plans to include measures to reduce car usage. Residential and non residential parking to be at levels consistent with adopted council policy and Annex 4 of the London Plan</p>	<p>The development contains an appropriate level of overall residential parking provision. This maximum parking ratio accords with the UDP residential parking standards. Non residential parking and cycle parking also accord with the parking standards in the UDP and Annex 4 of the London Plan. The S106 will require travel plans for individual businesses, the residential development and school and there are Contributions for Travel Incentives and monitoring of the Travel Plan.</p>
Sustainable Development		
MHE14	<p>Creating a Sustainable Development – Residential development to achieve a minimum of Code Level 4. Commercial and community buildings to achieve a BREEAM excellent rating. Construction materials to achieve a rating of A+ to D in the BRE Green Guide. Sustainable Urban Drainage Systems (SUDS) to be used. Use of green and brown roofs in particular on the school. Provision of grey water recycling. 20% of all energy requirements to be met through renewable</p>	<p>The proposal incorporates a range of ‘sustainability’ measures that seek to ensure that the development minimises emissions of carbon dioxide and adapts to climate change. As the application is in outline the principle of the delivery will be captured through the use of planning conditions and obligation. Full details of how these measures will be considered at Reserved Matters stage.</p>

	<p>technologies.</p> <p>Provision of an energy strategy to include a feasibility study for provision of district heating.</p> <p>50% of waste to be recycled or composted. Provision of a minimum of 0.5 hectares of land for sustainable infrastructure.</p>	
Design		
MHE15	<p>Design-</p> <ul style="list-style-type: none"> • Creation of gateway near station with shops and offices around a new public square with enhanced pedestrian crossing; • Creation of high quality local high street linking square to centre of site; • Creation of three residential character areas that are responsive to the suburban character and setting of development: Green Belt edge, Central Slopes, Southern Hub; • Aligning parks and buildings and using site topography to create a series of panoramic views from public spaces but also to limit views into the site. • Community facilities and public transport stops to be within 5 minutes walk distance of most residents. 	<p>The indicative masterplan incorporates the creation of a 'gateway' to the site opposite Mill Hill East station; a north/south pedestrian spine; three residential character areas that respond to the character and setting of the development; provision of a series of park's and open spaces that respond to the sites topography and take advantage of the views out of the site. The Design Principles Document and parameter plans establish a comprehensive design framework for the preparation of reserved matters. Officers consider that the relevant criteria are met.</p>
MHE16	<p>Delivering design quality Development will be required to demonstrate a high level of quality in urban design, architecture and landscape design.</p>	<p>As the application is in outline the detailed design of the development will be considered at Reserved Matters stage. The principles for delivering high quality design are enshrined in the Design Principles Document which will inform the detailed design.</p>
Implementation and Delivery		
MHE18	<p>Delivering the AAP – A comprehensive approach will be</p>	<p>The application covers approx 70% of the AAP area this has been enabled by a voluntary agreement between the key</p>

	<p>required to development to the site to ensure a high quality of design, an integrated layout and the timely delivery of social, economic, environmental and physical infrastructure improvements</p>	<p>landowners. The proposals therefore enable a comprehensive approach to the masterplanning of the majority of the AAP area in accordance with requirements of this policy.</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

INFORMATIVES

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 local planning policies.

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)

Core Strategy (Adopted 2012) Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS4 (Providing Quality Homes and Housing Choice in Barnet), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS9 (Providing safe, effective and efficient travel), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources), CS14 (Dealing with Waste).

Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM02 (Development Standards), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM08 (Ensuring a variety of sizes of new homes to meet housing Need), DM15 (Green Belt and Open Spaces), DM16 (Biodiversity), DM17 (Travel Impact and Parking Standards).

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 reserved matters details submitted would result in a residential development with a high quality appearance and would create a residential environment that met the amenity requirements of future occupants of the family homes proposed. The proposals are in accordance with approved Parameter Plans and are considered to follow the principals established within the design code whilst complying with the development plan including the specific policies of the Mill Hill Area Action Plan. The submission is therefore considered to satisfactorily address reserved matters of: Layout Scale Landscaping and Appearance for Phase 1a of Outline application H/04017/09.

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:

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);	<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 5.11 (Green roofs and development site environs)	<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>
Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)	<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>
Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15 (Water use and supplies)	<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>
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.

<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>6.5 (Funding Crossrail and other strategically important transport infrastructure)</p>	<p>Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.</p>
<p>6.9 (Cycling); 6.10 (Walking)</p>	<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>
<p>6.11 (Smoothing Traffic Flow and Tackling Congestion)</p>	<p>Take a coordinated approach to smoothing traffic flow and tackling congestion.</p>
<p>6.13: (Parking)</p>	<p>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.</p>
<p>7.1 (Building London's Neighbourhoods and Communities)</p>	<p>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.</p>
<p>7.2: (Inclusive environment)</p>	<p>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>
<p>7.3 (Designing out crime)</p>	<p>Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.</p>
<p>7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture)</p>	<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>
<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 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)	Proposals should: <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)	Proposals should seek to reduce noise by: <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)	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 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 talking 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)	<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>
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)	<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.
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)	<p>Council will negotiate the maximum reasonable amount of affordable housing.</p> <p>Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.</p>
H16 (Residential development – character)	<p>Residential development should:</p> <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.

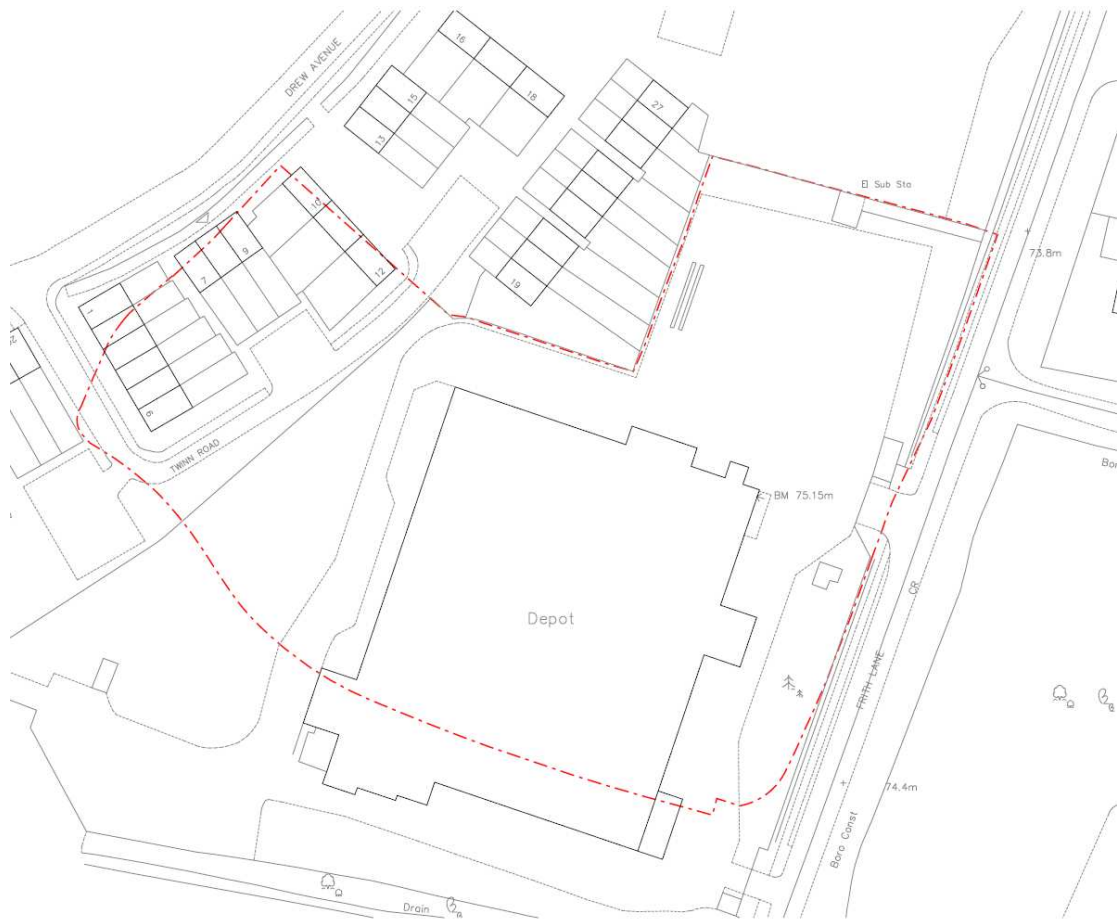
<p>CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)</p>	<p>Where appropriate the council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.</p>
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2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. The applicant is advised that the council will not adopt the estate road(s). However, if the council's refuse vehicles are required to enter the site, the estate road(s) must be constructed to adoptable standards. Details of the road construction requirements can be obtained from the Traffic and Development Section in Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

APPENDIX 3

SITE LOCATION PLAN

SITE LOCATION PLAN



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