

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

THURSDAY 8TH MAY, 2014

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF WEST AREA PLANNING SUB-COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun (Chairman),
Vice Chairman: Councillor Eva Greenspan (Vice-Chairman)

Councillors

Jack Cohen	Sury Khatri	Agnes Slocombe
Melvin Cohen	John Marshall	Gill Sargeant
Claire Farrier	Hugh Rayner	Darrel Yawitch

Substitute Members

Tom Davey	John Hart	Ansuya Sodha
Graham Old	Charlie O'Macauley	Reuben Thompstone
Andrew Harper	Lord Palmer	Zakia Zubairi
Helena Hart	Mark Shooter	

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

Andrew Nathan – Head of Governance

Governance Services contact: Paul Frost 0208 359 2205 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members' Personal and Prejudicial Interests	
4.	Public Question Time	
5.	Members' Item	
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12.	Any other items that the Chairman decides are Urgent	

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LOCATION: LAND ADJACENT TO ST RONANS, NETHER STREET,
LONDON, N3 1QY

AGENDA ITEM 7

REFERENCE: TPO/CA/241

WARD: West Finchley

PROPOSAL: To seek authority for confirmation of Tree Preservation Order, without modification.

RECOMMENDATION: 1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirm the London Borough of Barnet, Land adjacent to St Ronans, Nether Street, London, N3 1QY Tree Preservation Order 2014 without modification.

2. That the objector(s) be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Assistant Director - Development Management and Building Control dated 10th February 2014
- F/05184/13 – Land Adjacent to St Ronans, Nether Street, London, N3 1QY – Erection of 1no. single family dwelling including lower ground level following demolition of existing garage/workshop. Hard and soft landscaping.
 - Refused under delegated powers
 - Decision Notice issued 19th December 2013
 - Appeal start date 14th February 2014 – currently awaiting appeal decision

Background Information/Officers Comments

A Tree Preservation Order was made on 10th February 2014 on the basis that it was expedient to do so in the interests of amenity in the light of a planning application for redevelopment of Land Adjacent to St Ronans, Nether Street, London, N3 1QY which had recently be determined and included tree reasons for refusal.

The proposal for *“Erection of 1no. single family dwelling including lower ground level following demolition of existing garage/workshop. Hard and soft landscaping.”* (F/05184/13) was considered to have significant detrimental implications for a prominent Lime tree. Two of the reasons for refusal were:

- 1 The proposal will result in damage which may be severe enough to cause loss of a tree of special amenity value to the detriment of the character of this part of Finchley contrary to Policies CS1 and CS5 of the Core Strategy (2012), Policy DM01 of the Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

- 2 The proposal by reason of the proximity of the canopy of the adjacent Lime Tree would fail to provide suitable levels of light, outlook and general standards of residential amenity for future occupiers of the unit contrary to policy DM01 of the Development management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

The Lime is a large mature tree located close to the Nether Street footpath – it is very clearly visible from much of this part of Nether Street; The Grove; the footpath to Dollis Park; and the junctions with Crescent Road and Dollis Road; as well as the railway line. The Lime contributes significantly to the streetscene, with long distance views being accentuated by the topography, and it may be noted that this part of Nether Street is very frequently used by pedestrians because of the proximity to both Finchley Central Station and Finchley Church End town centre. The Lime has been previously lifted, especially over the highway and neighbouring outbuildings, and has been tipped back in the past – but appears to be in reasonable condition with no major faults apparent. It is very prominently located and is important to softening the streetscape, screening, as well as providing a sense of scale to the large built form. Also, given its proximity to the railway line, it contributes to filtering pollutants and helping to counteract noise.

The Lime is considered to be of significant public amenity value and, with appropriate cultural attention, might reasonably be expected to make a positive contribution to local amenity for the foreseeable future.

It appeared from the application submissions that the Lime was growing just outside the site – however, subsequent inspection indicated that the tree was immediately adjacent to, but inside, the boundary fencing. It was therefore unclear whether the tree was wholly within the planning application site, if it straddled the legal land boundary hence is in joint ownership with Northern Line (High Barnet branch), or was wholly on the railway land as suggested in the application submissions.

If the Lime is located on the railway land as originally suggested, it might not have been appropriate to include it in a Tree Preservation Order because of the exemption provisions within the legislation in respect of treeworks on statutory undertakers' operational land. However, such exemption would not be relevant to a tree within the boundary fencing of the application site. Once it became apparent that the tree was, at very least partly, in private ownership and furthermore there was a desire to undertake pruning work to reduce the size of the tree, it was considered reasonable to make an Order.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

An objection has been received from:-

Applicant for the 'Land Adjacent to St Ronans, Nether Street, London, N3 1QY' redevelopment proposals (F/05184/13).

The Tree Preservation Order secures the protection of the tree on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The objections of the applicant for the redevelopment can be summarised as:

- Concern about the timing of the making of the Tree Preservation Order
 - Suggesting it “was not because of its special amenity value but simply to justify a planning refusal given at the [site]”.
 - “Whereas I accept if a tree is of special amenity value a tree preservation order should be made, this is clearly not the case in this situation. The tree has been a predominant feature in this area for well over 100 years and at no time previously has any thought been given to its special amenity value. The tree was brought to the Council’s attention with an application submitted at the above site on 8 November 2013 and was an important factor within the refusal notice issued on 19 December 2013. Although the tree was one of the primary reasons the application was refused, still no thought was given by the planning Department to issue a tree preservation order. I have appealed against the planning decision as information regarding the tree was incorrect and as a result of this appeal, and I would suggest in order to justify the decision of the planning Department, only now has thought been given to a tree preservation order.”
- The canopy of the tree prevents suitable light levels from reaching the existing workshop within the site causing poor amenity values
- The branches extending over the public highway could cause a danger to high sided vehicles
- Any branches falling onto the London Underground railway line would be dangerous
- “Irrespective of whether branches should be cut back above [the site], the branches would obviously need to be constantly cut back both above the public highway and adjacent underground line. Due to the position of the tree it needs to be constantly monitored and lopping, so a tree preservation order should not be made on this tree.”
- “A tree preservation order placed on a tree in this position could have very dangerous consequences and could be deemed as highly irresponsible action taken by the Council.”

In response the Council's Tree and Environment Officer comments as follows:

- (i) The Order was made once it became apparent that the tree was either wholly or at least partly in private ownership and furthermore there was a desire to undertake pruning work to reduce the size of the tree. It may be noted that the Tree Preservation Order was formally made on 10th February 2014 and copies served on the land owners and Transport for London the same day by recorded delivery, with neighbouring properties being served by hand delivery on 11th February 2014. However, the Council did not receive the appeal against the refusal of planning permission for the proposed redevelopment until the 12th February 2014. Whilst possibly appearing coincidental, the timing of the Order was independent of, and predated, the appeal.
- (ii) Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to

make provision for the preservation of trees or woodlands in their area'. National Planning Practice Guidance clarifies that "Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified."

- The Guidance states that "Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."
- The Guidance suggests the following criteria should be taken into account: "*Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;
 - rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.
- In terms of expediency, the Guidance notes "It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution."

The making of the Order was considered justifiable both on grounds of amenity and expediency. As set out above, the tree is considered to be of significant public amenity value – visually and environmentally - and it should be noted that the objector himself states that the Lime *has been a predominant feature in this area for well over 100 years.*

- (iii) It is unclear what the objector means by the canopy 'causing poor amenity values', he is perhaps referring to private rather than public amenity –

however, the existing workshop appears to have no windows, being more of a partially open shed, and is boarded up.

- (iv) The inclusion of the Lime in a Tree Preservation Order should not make any difference to the regular inspection and maintenance in accordance with good arboricultural practice of a privately owned tree. Confirmation of the Order would not preclude application, where necessary, for consent to prune a tree included in a Tree Preservation Order being submitted to the Council, in accordance with the planning legislation - for example, an application to lift low branches to provide clearance for high sided vehicles. Such application would be considered on its merits on the basis of the information submitted at the time. However, it would allow the Council some measure of control over treatment that was considered excessive.
- (v) There is no foundation for the suggestion that the inclusion of the Lime in a Tree Preservation Order “could have very dangerous consequences and could be deemed as highly irresponsible action taken by the Council.” Whilst the objector’s suggestion that “the branches would obviously need to be constantly cut back” is considered an exaggeration, there is no reason to believe that consent would be refused for treatment in accordance with good arboricultural practice (and, in any event, there is an appeal procedure as well as exemption provisions for e.g. removal of deadwood) – any such consequences would result from a failure to make an application or otherwise accord with the legislation, rather than the Order itself.

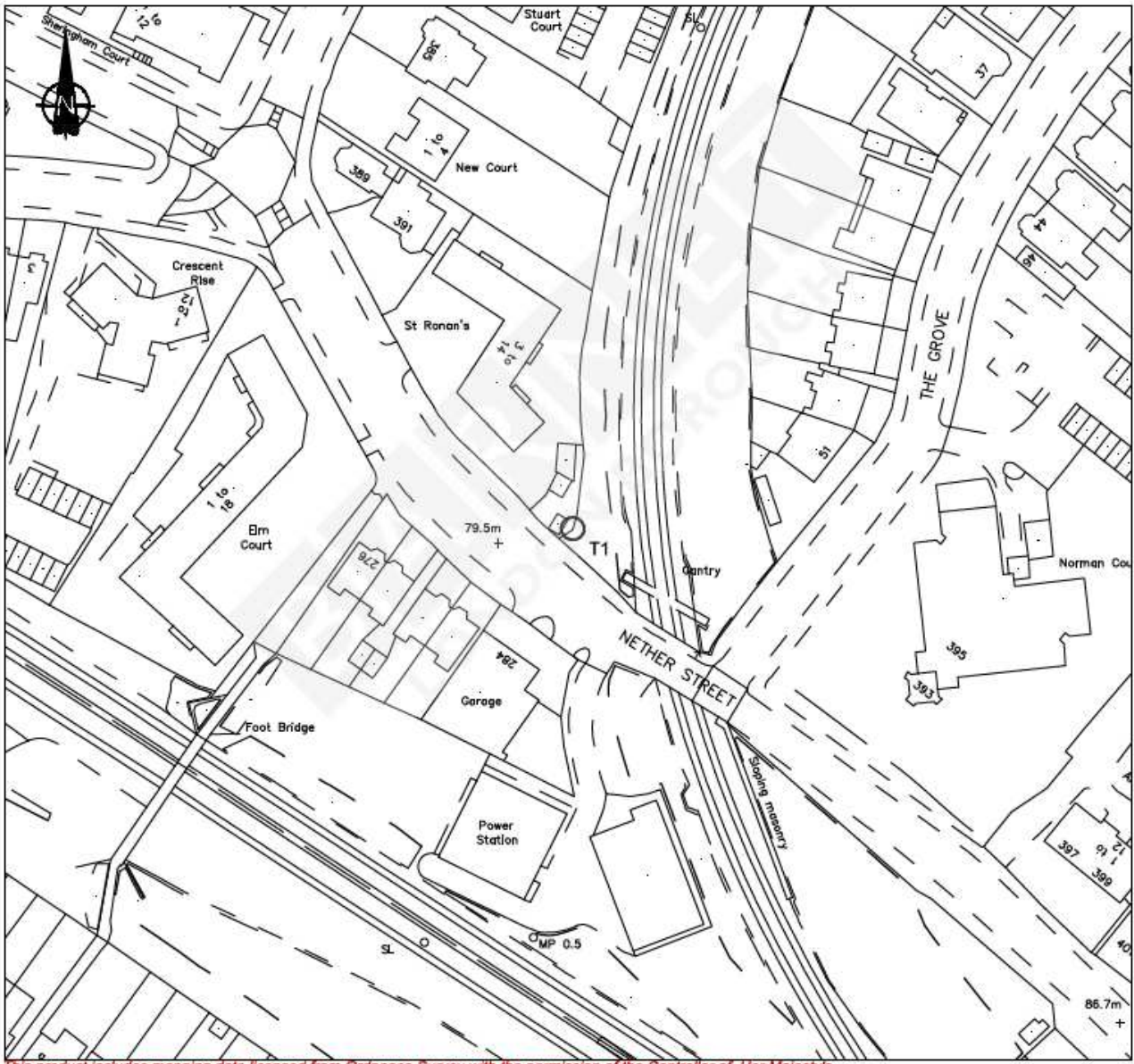
2. EQUALITIES AND DIVERSITY ISSUES

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

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the light of development proposals for land adjacent to St Ronans, Nether Street, London, N3 1QY. As set out above, it is considered the Lime tree identified in the Order contributes significantly to public amenity, and given normal arboricultural attention is capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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LOCATION: 73 Kingsbury Road, London, NW9 7HU

REFERENCE: H/01542/14

Received: 20 March 2014

Accepted: 20 March 2014

Expiry: 15 May 2014

AGENDA ITEM 8

WARD(S): West Hendon

Final Revisions:

APPLICANT: Mr Kadiri

PROPOSAL: Part single, part two storey rear extension. New front ramp access.

RECOMMENDATION: Refuse

- 1 The proposed ground floor rear extension by reason of its size, siting and rearward projection will have a detrimental impact on the residential and visual amenities of the occupiers of the neighbouring residential property at No 75 Kingsbury Road, resulting in loss of light and outlook. The proposal will be contrary to policies CS1 and CS5 of the adopted Core Strategy (2012) and policies DM01 and DM02 of the adopted Development Management Policies DPD (2012) and contrary to the adopted Residential Design Guidance SPD (2013).

INFORMATIVE(S):

- 1 The plans accompanying this application are: A-E001, A-P-001, A-E101, A-P-101, A-E102, A-P-102, A-E203, A-P-203, A-E202, A-P-202, A-E201, A-P-201, A-E204, A-P-204, A-E301, A-P-301, A-P-302, A-P-303, A-E403, A-P-403, A-P-404.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the Council prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the Council to discuss possible solutions to the refusal reasons.

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.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02.

Supplementary Planning Documents and Guidance

Supplementary Planning Document (SPD) - Sustainable Design and Construction
Supplementary Planning Document (SPD) - Residential Design Guidance

Relevant Planning History:

Application:	Planning	Number:	H/06090/13
Validated:	02/01/2014	Type:	PAH
Status:	DEC	Date:	11/02/2014
Summary:	PANR	Case Officer:	Prior Approvals Officer
Description:	Single storey rear extension with a proposed depth of 5.2 metres, eaves height of 3 metres and maximum height of 4 metres.		

Consultations and Views Expressed:

Neighbours Consulted: 3 Replies: 1
Neighbours Wishing To Speak 0

One letter of support has been received in respect of this application. At the time of writing the report the neighbour consultation period had not yet expired. Any additional representations received will be reported at the committee.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to an end-of-terrace single family dwelling house located on the south side of Kingsbury Road which is predominantly residential in character.

Dimensions:

The application seeks permission for a part single, part two-storey rear extension and new front ramp access.

The proposed ground floor rear extension will measure 5.2 metres in depth, 7.35 metres in width and 3.5 metres in height with a flat roof. The proposed first floor rear extension will measure 3.85 metres in width, 3 metres in depth and 8.3 metres in height with a pitched roof.

The proposed entrance ramp will measure 1.2 metres in depth, 3.25 metres in width and 2 metres in height including railings.

Planning Considerations:

The officers have tried to negotiate a smaller extension with the applicant however, the applicant has confirmed that the size of the extension is what is required to meet their needs.

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

No objections are raised to the proposed front entrance ramp which is acceptable in terms of design and would not have a detrimental impact on the character and appearance of the street scene. Furthermore, the Council raises no objections to the proposed first floor rear extension which will be located 3.45 metres away from the boundary with No 75 Kingsbury Road and will be located 1.5 metres away from the neighbouring first floor rear extension at No 71 Kingsbury Road and will only project 1 metre beyond this neighbouring first floor rear extension. Accordingly, it is not considered that the proposed first floor rear extension would have a detrimental impact on the residential and visual amenities of the occupiers of the neighbouring residential properties.

Documentation accompanying this application states that a large rear extension is needed to create 2no. additional bedrooms, an accessible bathroom, kitchen and living room which is required to create wheelchair friendly facilities at the ground floor level to provide suitable accommodation for the owners of this dwelling.

However, concerns are raised regarding the size and siting of the proposed ground floor rear extension and its impact on the amenities of the neighbouring occupiers of No 75 Kingsbury Road. The proposed ground floor rear extension would project 5.2 metres in depth across the full width of the property. No objections are raised to the proposal in terms of its impact on the owners of No 71 as the proposed extension would only project 1.6 metres beyond the neighbouring rear extension and is therefore considered to have minimal adverse impacts on neighbouring amenity. However, No 75 Kingsbury Road does not benefit from any ground floor rear extensions and given the size of the proposed rear extension and the orientation with the neighbouring property (the application site is east facing) it is considered that the proposed ground floor rear extension will have an overbearing impact on the occupiers of No 75, resulting in loss of light and outlook. Whilst in special circumstances the Council may permit larger extensions that normally permitted under Council guidance, given the impact the proposal will have on neighbouring amenities, the proposal is considered unacceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

There were no objections to this application.

4. EQUALITIES AND DIVERSITY ISSUES

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it

behaves as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

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

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

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

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

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

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

(a) Tackle prejudice

(b) Promote understanding

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

(7) The relevant protected characteristics are:

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

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

(9) schedule 18 (exceptions) has effect.”

In considering the application, the Council needs to pay due regard to protected characteristics under the Equalities Act.

Whilst it is recognised the particular needs of the applicant, in this instance it is not considered that this overcomes the planning concerns raised.

5. CONCLUSION

This application is recommended for **REFUSAL**.

SITE LOCATION PLAN: 73 Kingsbury Road, London, NW9 7HU

REFERENCE: H/01542/14



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LOCATION: Avenue House, 17 East End Road, London, N3 3QE
REFERENCE: F/01251/14
WARD(S): Finchley Church End

AGENDA ITEM 9
Received: 05 March 2014
Accepted: 06 March 2014
Expiry: 01 May 2014

Final Revisions:

APPLICANT: Avenue House
PROPOSAL: Refurbishment and internal changes of stable block with new restaurant facilities. Change of use from Class D1 (Community) to Class A3 (Cafe/Restaurant).
 Refurbishment and internal changes of garage building. Change of use from Class B8 (Storage) to Class D1 (Community).
 Refurbishment and restoration of existing Toilet Block with new hot food servery and disabled WC. Change of use from Sui Generis to A5 Hot food takeaway.
 New single storey building to replace depot building.
 Landscaping proposals. (AMENDED DESCRIPTION)

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 5861.01.001 Existing Site Plan; 5861.01.120 Hardworks Demolition Plan; 5861.01.130 Existing Condition Survey; 5861.01.140 Existing Plant Survey; 5861.01.150 Cost Plan Zones (Stage D); 5861.10.160 Management and Maintenance Plan Zones; 5861.01.170 Access and Circulation Plan; 5861.01.200 General Arrangement: Location Plan; 5861.01.210 General Arrangement: Avenue House and Stable Yard; 5861.01.220 General Arrangement: Monkey Hill and Avenue Road Entrance West; 5861.01.240 General Arrangement: Bog Garden; 5861.01.250 General Arrangement: Water Tower and East End Road Entrance East; 5861.01.260 General Arrangement: The Bothy Garden; 5861.01.270 General Arrangement: Outdoor Learning and Classroom Area; 5861.01.280 General Arrangement: Playground and Kiosk; 5861.01.290 General Arrangement: Depart and Avenue Road Entrance East; The Stable Yard and Associated Buildings: Architectural Report, Heritage Report and Design and Access Statement
 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 plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of this permission.
 Reason:
 To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
 Reason:
 To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development

Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Before the A3 /A5 uses hereby permitted start on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 5 The level of noise emitted from any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason:

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

- 6 Before the A3 / A5 uses start on site, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 7 Before the uses hereby permitted is first occupied, a scheme indicating the provision to be made for disabled people to gain access to the site shall have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use and retained as such thereafter.

Reason:

To ensure adequate access levels within the development in accordance with policies DM03 of the Adopted Barnet Development Management Policies DPD

(2012) and 7.2 of the London Plan 2011.

- 8 The premises shall be used for A3 / A5 as shown on the drawings listed in condition 1 and no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 9 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Before development starts on site, notwithstanding the details hereby approved, further details on all reconfigured entrance(s) to be submitted to and approved in writing by the Local Planning Authority as follows:

- the proposed height or changes to the vehicular/ pedestrian gate(s)
- details about the gate operations to be disclosed, including maintenance agreement
- visibility spays at the modified vehicular access to be provided including design considerations on safety implications
- The new proposal to be designed to accommodate the disabled users. That includes the areas where the footpaths are realigned including the access gates.
- Surface water drainage to be incorporated as part of the design. No surface

water to be discharged onto the public highway

- The pedestrian and vehicular gate(s), must not interfere with public highway safety.

Reason:

In the interests of highway safety in accordance with Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 12 Notwithstanding the submitted plan with ref: 170 rev. A, further details to be submitted and agreed in writing by the Local Planning Authority in relation to servicing and deliveries including refuse and recycling and a swept path analysis for vehicles required to facilitate the changes the proposal.

Reason:

In the interests of highway safety in accordance with Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 13 Notwithstanding the details hereby approved, further details of the proposed new pedestrian access gates and 500mm high metal railing on top of the brick perimeter boundary wall 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 and retained as such thereafter.

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 14 Notwithstanding the details hereby approved, further details of proposed replacement depot building including location, elevational details and details of proposed materials 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 and retained as such thereafter.

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 15 Notwithstanding details hereby approved, further details of the proposed concrete and render repairs to the Water Tower and The Bothy walls 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 and retained as such thereafter.

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 16 Before the development hereby permitted is first occupied the following details 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:

- other hard surfacing and paving materials (including York Stone) with

samples

- re-pointing to stable building and garage
- new doors and windows at scale 1:10 with sample
- facing materials
- signage
- lighting
- benches
- litter bins

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 17 Notwithstanding the details hereby approved, further details of the proposed outdoor classroom at The Bothy Garden 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 and retained as thereafter.

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 18 a) Notwithstanding the details shown on the plans and documents otherwise hereby approved, no tree works or landscaping works shall be carried out until a detailed "Landscaping Management Plan and Long Term Landscaping Strategy" shall have been submitted to, consulted upon by the Local Planning Authority, reported to the relevant Planning Sub-Committee and approved in writing by the Local Planning Authority.

b) The details to be submitted as part of the Landscaping Management Plan and Long Term Landscaping Strategy shall include but not be limited to:

- General objectives of the proposed landscaping works part of the Landscaping Management Plan and Long Term Landscaping Strategy
- Tree survey and specification in accordance with section 4.4 of BS5037: 2012 including the the position of any existing trees including species, position, size and condition:
- Detailed tree felling / pruning specification in accordance with the British Standard 3998: 2010 Recommendation for Tree Works together with reasoned justification for any proposed treatment.
- Details of new trees, hedges and shrubs to be planted including species, planting sizes and planting densities.
- Details of species, planting sizes and planting densities of other soft landscaping including but not limited to any herbaceous / climbers / grasses / ground cover plants
- Detailed landscape maintenance schedule for regular pruning, watering, fertiliser and means of planting, staking and tying of trees, including tree guards
- Existing contours and spot levels and any proposed alterations to levels such as earth mounding and excavations.
- Details of areas of hard landscape works including paving, proposed

materials samples and details of all techniques to be used to provide conditions appropriate for new plantings.

- Existing and proposed details of the pond, Bothy Garden, Bog Garden, Rockery Planting, Play Area and Kiosk and any other proposed hard landscape feature.
- Details of phasing for implementation including but not limited to timing of implementation of hard and soft landscaping, tree works and timing of planting

c) All work comprised in the approved “Landscaping Management Plan and Long Term Landscaping Strategy” shall be carried out in accordance with details of phasing pursuant to section b).

d) Any existing tree shown to be retained or trees or shrubs or other soft landscaping to be planted as part of the approved “Landscaping Management Plan and Long Term Landscaping Strategy” which are removed, die, become severely damaged or diseased shall be replaced in accordance with the provisions set out in the Landscaping Management Plan and Long Term Landscaping Strategy.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 19
- Prior to the commencement of the development, an ecological survey shall be carried out to establish the presence of any protected species. If any protected species are found, then a mitigation strategy shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To safeguard any protected species which may be present on the site in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council’s website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council’s relevant policies and guidance.

ii) In this case, formal pre-application advice was sought prior to submission of the application.
- 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 dwellings 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 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

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

The Mayor's London Plan July 2011

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 and is recognised in the NPPF as part of the development plan.

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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7, CS10

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM06, DM13, DM15, DM16, DM17.

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations:

- Sustainable Design and Construction SPD (2013).
- Finchley Church End Conservation Area Character Appraisal (2011).

Relevant Planning History:

Application:	Planning	Number:	C/06122/T/04
Validated:	16/06/2004	Type:	APF
Status:	DEC	Date:	01/11/2004
Summary:	AP	Case Officer:	
Description:	Amended internal layout and external alterations in respect of the refurbishment and repairs of the Bothy to create an arts and community centre together with new vehicular access from East End Road that was approved 2/1/2001 (C06122G/99) and is currently being implemented.		

Application: Planning
Validated: 09/03/2005
Status: DEC
Summary: APC
Description: Installation of statue, bench and associated paving on grass verge to front of building on East End Road.

Number: C/06122/V/05
Type: APF
Date: 21/04/2005
Case Officer:

Application: Planning
Validated: 14/03/2006
Status: DEC
Summary: APC
Description: Forming new doorway changing double doors to single door with 2 side windows. Bricking up to underside of cills with salvaged bricks, and conversion from garden store to tea room.

Number: C/06122/W/06
Type: LBC
Date: 23/06/2006
Case Officer: Karina Conway

Application: Planning
Validated: 14/03/2006
Status: DEC
Summary: APC
Description: Change of use from store to tea room. Forming door. Changing double door to door and side windows.

Number: C/06122/X/06
Type: APF
Date: 23/06/2006
Case Officer: Karina Conway

Application: Planning
Validated: 17/05/2013
Status: DEC
Summary: APC
Description: Change of use from Class D2 to Class D1 (Therapy and Training Centre). Single storey infill extension to North and South Courtyards, following demolition of existing outbuildings in South Courtyard. General refurbishment (Listed Building Consent).

Number: F/01797/13
Type: LBC
Date: 12/07/2013
Case Officer: Alissa Fawcett

Application: Planning
Validated: 17/05/2013
Status: DEC
Summary: APC
Description: Change of use from Class D2 to Class D1 (Therapy and Training Centre). Single storey infill extension to North and South Courtyards, following demolition of existing outbuildings in South Courtyard. General refurbishment.

Number: F/01798/13
Type: APF
Date: 12/07/2013
Case Officer: Alissa Fawcett

Consultations and Views Expressed:

Neighbours Consulted: 190
Replies: 40
Neighbours Wishing To Speak: 0

It should be noted that the majority of objections were received before the applicant removed all aspects of changes to the landscaping from this application.

Of the objections received 34 related specifically to the potential loss of trees on site.

The objections raised may be summarised as follows:

- Loss of habitat
- Valuable ecosystem which if removed would be great loss to finchley
- Concerns with consultation
- Many of the trees listed are rare and should be protected

- Concerns with impact RPA of nearby trees from Depot building
- Excellent plan but more facilities will result in parking issues on nearby roads
- Gardens part of Finchley Central's heritage
- Tree removal is wanton destruction
- Trees needed for oxygen, wildlife cycle and enhancement of the environment
- Proposed tree removal is not one that people going to the park favour
- Proposals to create vistas misunderstands the nature of the grounds
- Willful destruction of trees will diminish rather than enhance this place
- To remove perfectly healthy trees seems bizarre and unecological
- The Council is the guardian of the grounds not owner
- The Friends of Avenue House and English Heritage should have been consulted before proceeding with scheme
- Reasons for tree removal woefully inadequate space in the borough is more intensively used than when Avenue House developed, so what trees and plant we do have should be preserved as a priority
- Trees and bushes provide psychological benefits
- Lack of transparency for consultation on tree proposals
- Understand that dead / dying trees need management but object to removal of healthy trees
- Only way Avenue House should be allowed to open up vista as they wish us to replace every tree which they remove with another in an alternative area, the replacements may or may not be located in Stephens Gardens
- Trees should only be felled where they present an obvious danger
- This is an extraordinary number of trees to remove and it is quite unacceptable in environmental aspect
- Extreme anxiety over the possible reckless felling of 118 trees, the gardens are magnificent and should be preserved at any cost

Three letters of support were received relating to the building work proposals at the stable block, garage building and toilet block.

Internal /Other Consultations:

Traffic & Development - No objection subject to conditions

Environmental Health - No objection subject to conditions

Urban Design & Heritage - No objection: In summary the works to improve public access and increase the use of the parkland by visitors is supported as being highly beneficial to these important designated heritage assets. The alterations to the listed buildings are considered to be sensitively designed and not harmful to their significance. Further details would however, be useful in a number of areas (including; elevations of pedestrian access gates, railings, details of depot building, paving samples, further details of repairs to Water Tower and Bothy walls, details of repointing for stable buildings and garage).

Conditions should otherwise be attached requiring drawings or samples to illustrate specific elements such as new doors, windows, facing materials, railings, paving and surface materials signage, lighting etc.

English Heritage - Support application: We strongly support the principle of these proposals; a cafe at Avenue House will provide a long-term sustainable future for the park (a registered landscape) which will assist with the restoration of the Bothy and Water Tower in the grounds, both listed and both on our register of Heritage at Risk. Although there is minor loss of historic fabric in the stables, I suggest this modest level of harm is strongly outweighed by the substantial public (and heritage) benefits of the wider proposals.

I understand there are potentially some problems with trees associated with this application. The grounds of Avenue House are noted for their specimen trees, some of which were planted as an arboretum concept by the house's original owner. However, those close to the stables are not of particular significance and we would support their removal to enable restoration and conversion of the buildings. If there are any specific matters relating to the historic natural environment you would like further advice with, my landscape architect colleague Zosia Mellor would be pleased to give assistance if needed. The landscape manager of our historic property division may also be able to assist with such issues. Do get in touch if you would like their help.

Finchley Conservation Area Advisory Committee - No objection to building works, but concerns about lack of information on landscaping proposals

Friern Village Resident's Association - Extremely concerned about the huge numbers of trees shown for removal. We understand that dead or dying trees do need to be managed to improve safety of the public using the gardens. However, we do strongly object to the removal of healthy trees to simply "open up vistas". A number of trees have been planted in commemoration of certain events and visits, these should certainly not be removed. The public consultation period should be extended for tree matters.

Dollis Park and District Resident's Association - Serious concern at large programme of tree felling and failure of the Council to keep informed local residents.

Finchley Society - Supportive of intention behind applications but do not wish this strong general support to be taken as approval of the details of this complex proposal. The Council is urged to grant consent in principle to enable the funding to go ahead but not consent to many of the details of the application without further consideration and public consultation. Our concerns relate to two aspects of the plans - the proposed removal of a large number of trees and the treatment of the listed stable block. In regards to trees, do not believe the felling of many of them is justified by the apparent desire to return to the C19 state, which was fluid and has been altered by recent introductions such as children's playground and public toilets. In regards to the listed buildings, happy with the concept of opening up the courtyard to East End Road and to the improvement to the cafe / restaurant but unhappy with treatment of stable and garage blocks. The replacement of the present roller shutter to the garage block by glazing seems to move further away from the Victorian aspect of the building, and it is not clear if the end gables will retain, as they should, the distinctive blue doors. Also unhappy with the slit windows proposed for the back of the stable block, their aspect seems mean from the outside and inside they relate badly to interior tiling. Suggested conditions; (i) the position and details of the arrow

slit windows proposed for the north elevation (ii) the details of the openings proposed to the garage block including the glazed central section and the retained doors and backings screen to the end gables (iii) agreement following public consultation as to those trees whose removal is essential

Further detailed comments specifically on the proposed tree removals were provided by the Finchley Society, as follows;

There are strong misgivings about the nature of the public consultation that has been carried out - put simply, we feel the whole issue and scale of proposed tree felling has not been made clear to anyone in the neighbourhood, local interest groups or the general public. The 'exhibition held in the foyer of Avenue House in the New Year did not specify the number, location or types of trees proposed to be felled, it merely talked of 'creating vistas' and your own letter to residents (to Owner and/or Occupier and dated 18th March 2014) specified only the proposed building works and did not mention anything about proposed removal of trees.

I know there is widespread local concern over tree felling because many local people have contacted me and not one of them knew anything for sure except rumours. It seems as though the 'Application For Treeworks' has been buried within a planning application that, on the face of it is not easily accessible. Many people have complained to me that they can't find anything on the website. As you suggested on the phone, I am therefore making a formal request that the public consultation be entirely re thought and carried out afresh, certainly new letters should be sent to local residents informing them of the proposed tree works and a new and extended period should be granted for making comments. Avenue House and its grounds are central to the Church End Conservation Area and we feel that such an important issue as this should not be allowed to 'slip in under the radar'. As I mentioned to you, my team and I will need some further consultation time in order to prepare documentation in full. We are intending to write to you about the trees in Avenue House in the near future and I will include photos in our report that I hope will be of use to you.

Date of Site Notice: 27 March 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the northern side of East End Road, closest to the junction with Regents Park Road, within Area 3 of the Finchley Church End Conservation Area.

The adopted Conservation Area Character Appraisal notes;

"A collection of listed buildings including Avenue House, stable block and yard, entrance lodge, along with The Bothy and Water Tower, Hertford Lodge and adjoining Coach House. The large mansions were built in 1850s in the Italianate

style, three and four storeys high in stucco and slate. Avenue House was the former home of Henry Charles Stephens, the ink manufacturer and was remodelled extensively in the 1880s. Hertford Lodge is more modest in size but very imposing and has recently been restored and converted to apartments, following a fire. A well designed flatted development, of recent construction, built in yellow brick, is located to the rear of Hertford Lodge, and this adjoins a former coach house which has been converted into apartments. The buildings and grounds at Avenue House Estate have been run by the Avenue House Estate Trust since 2002. They are held in a Trust for Finchley residents. They are also home to the Finchley Society and their archive

The entrance lodge, stables and coach house are situated within the complex. They were built as a group in the 1880's of Gothic design in stock brick and slate. The entrance lodge fronting the street features a prominent brick chimney stack, angled bay windows and pyramidal roof. The coach house is of yellow brick with a hipped slate roof and projecting half gabled wings. The stable complex and yard is mainly single storey with dormers in the roof and a two storey element at one end, completed by a three storey circular tower with metal finials. They form a picturesque collection of buildings and add to the setting of the two main buildings

The landscaped grounds were formally laid out in 1882 with strategically positioned follies and landscape elements such as a pond, planted mounds and fine specimen trees, among which are blue atlas cedar wellingtonia, dawn redwood and purple beech. The follies include The Bothy, with its distinctive castle-like battlements and tall garden walls. The Water Tower is located within the heavy tree and hedge boundary on the southern side of the park."

The buildings on site including Avenue House itself, the former Stables, former Coach House, Lodge, Water Tower and The Bothy are all Statutory Listed buildings with individual list descriptions all dating from the around 1880. The main house sits on the south-west corner of the site, with the other notable buildings located to its east. The House is bounded by trees to both the south and west and lawn gradually slopes down in an easterly direction.

The main Avenue House building was a residential villa built in 1859 bought by Henry Stephens, the son of the inventor of blue-black ink in 1874. He enlarged and improved the buildings and commissioned the landscape gardener Robert Marnock to create a suitable garden with lawns, ponds, mounds, a rockwork, informal paths and steps, paddock and kitchen garden (The Bothy). Exotic tree and plant species were planted and a water tower with adjacent laundry, a lodge, coach house and stable block were introduced.

After Stephen's left the site in 1900 he bequeathed the House and 10 acres of the grounds to the people of Finchley on the condition that it should be 'open for the use and enjoyment of the public under reasonable regulations'.

Proposal:

This application seeks consent for the following works:

- refurbishment and internal alterations to stable block with restaurant facilities

- change of use from Class D1 (Community) to Class A3 (Cafe / Restaurant)
- refurbishment and internal alterations to garage building
- change of use from Class B8 (Storage) to Class D1 (Community)
- refurbishment and restoration of existing Toilet Block with new hot food servery and disabled WC
- change of use from Sui Generis to Class A5 (Hot food takeaway)
- single storey building to replace depot buildings

It should be noted that detailed landscaping proposals were originally submitted with the application. All planning drawings and documents were amended to remove references to tree removals and it is on this basis that the application is to be presented to Members.

It should be noted that there is an accompanying Listed Building Consent application under reference: F/01331/14.

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Finchley Church End Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Building Works / Impact on character or conservation area

The proposals relate to works within the grounds of Avenue House and include a number of listed structures including the Stables, Water Tower and The Bothy. The gardens are formally registered as a Historic Park and Garden by English Heritage. It

should be noted that a Heritage Lottery Fund application for grant assistance has been submitted for the works subject to this application but also including the restoration and conversion of the landscape.

The proposals involve a number of historic outbuildings and structures within the grounds of Avenue House. The principal works are centred upon the Stable block and the adjoining Mayor's garage. It is intended to open up the site in this area to allow greater public access and community use of the buildings. Presently, these buildings are somewhat hidden from public view and are not particularly accessible for users of the parkland.

The buildings are proposed to be adapted with minor alterations to be used as visitors centre, education centre, cafe with adjoining kitchen and improved toilets. The south-facing courtyard which presently is under-used is intended to be used more intensively by the public who would pass through this area to gain access to the gardens. It is proposed to reinstate a pedestrian access from East End Road, and this would become the primary entrance to the gardens. The boot room will be re-modelled to provide an arched entrance with new improved toilets within the former tea room. Three narrow openings in the stable block wall are proposed to provide a visual connection from the cafe to the parkland. The existing Mayor's garage and gardeners store will be converted for use as an education / exhibition space. In addition, a new refreshment kiosk is proposed within the grounds at the site of an existing derelict structure near to the playground in the north-east area of the site, close to The Bothy.

Stables

Repair works include: pointing, masonry repairs.

Proposed change of use from D2 (community) to A3 (cafe / restaurant)

The tearooms are proposed to be converted to toilets. The existing doors will be converted to windows to suit the proposed new layout. New windows are proposed to the north wall of the main stable space. The creation of new archway on North wall to form new entrance gateway from stable yard into the gardens is proposed. New service layout with new kitchen and servery is proposed to support the new use as cafe restaurant.

Mayor's Garage

Repair works include: pointing, Masonry repairs, structural works to timber beams, minor roof repairs, replace polycarbonate roofing, redecoration.

Proposed change of use from B8 (Storage) to D2 (community)

It is proposed to remove the internal walls, install a new concrete insulated floor and associated tanking, line the walls and soffit with insulation and plaster board. A new storage facility will be provided against the rear wall. Inner windows will be provided to the garage doors.

Water Tower

Repair works include: concrete and render

The Bothy Walls

Repair works include: concrete and render.

It is proposed to rebuild parts of the existing structure. Further details are required through the imposition of a specific condition.

Gardeners Store / Depot

All details of proposals are required through the imposition of a specific condition.

Playground Toilets

Repair works to include: pointing, Masonry repairs, structural works to timber beams, minor roof repairs.

Proposed change of use to A3 (cafe) with single toilet / changing area.

Landscaping Works

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the Council will, where appropriate, require replanting with trees of an appropriate size and species.

All trees are protected by virtue of being located in a conservation area and cannot be pruned / removed without the prior consent of the Local Planning Authority.

The grounds of Avenue House were not developed as a public park and whilst it is considered that the original layout provides an important benchmark for the development of the site.

The existing various elements found on site, including the pond, The Bothy garden, Bog Garden, Rockery and the play area have suffered from lack of management and the proposals seek to improve useability and access to all users.

Particular landscaping issues found on site include overground shrubs obscuring views to the house and reduces path widths, some existing benches poorly used and located, the pond fails to live up to its aesthetic or ecological potential, stable yard is in poor condition and cluttered, access to Monkey Hill is difficult with worn out paths, the existing entrance provides a poor arrival to the facilities, the existing playground

does not make the most of its landscaped setting.

Details shown on the remaining drawings submitted show alterations to hard landscaping and feature improvements across the site are as follows:

Pond: The pond is not considered to meet its full potential. The proposals aim to enhance the pond area, improve water quality and biodiversity with additional planting and restore the cascade waterflow feature.

The Bothy Garden: This is proposed to provide an education and sensory experience for visitors including school groups and other on-site parties. Specific areas will be provided with special textures, colours and scents, as well as a designated outdoors classroom to act as a base for activities.

Bog Garden: This interesting relic thought to be part of the original water circulation and storage system installed by Stephens, which is no longer in use and causing the bog garden to dry out. It is proposed to restore the required water supply allowing for appropriate planting.

Rockery Planting: This historic feature shows sparse planting and is in need of improvement. It is proposed to rebuild and replant the existing with carefully selected plants.

Improved Play Area and Kiosk: Whilst it is recognised that the existing facilities are well used it is considered that there is an opportunity to improve the amenities. It is proposed to retain the existing equipment but open up and increase the footprint of the area within a newly fenced area. This will allow for greater space for new facilities and an adjacent cafe / WC. The new play items include woven willow features, sand play and equipment for older ages. These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Finchley Church End Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene and conservation area.

As explained earlier, all planning drawings and documents were amended following submission of the application to remove references to tree removals and it is on this basis that the application is to be presented to Members.

Instead, it is proposed that a planning condition controls all matters relating to tree removal and changes to the landscaping of the site. It is recognised that the majority of objections raised by local residents and societies centres around the loss of trees.

In order to ensure that meaningful consultation takes place about the future landscaping of the site, it is recommended that a second round of public consultation should be carried out upon submission of details pursuant to the proposed landscaping condition. It is also proposed that once planning and tree officers are satisfied that the submitted details are acceptable, their recommendation should be referred back to committee for a final decision.

The following (four part) condition is therefore proposed:

a) Notwithstanding the details shown on the plans and documents otherwise hereby approved, no tree works or landscaping works shall be carried out until a detailed “Landscaping Management Plan and Long Term Landscaping Strategy” shall have been submitted to, consulted upon by the Local Planning Authority, reported to the relevant Planning Sub-Committee and approved in writing by the Local Planning Authority.

b) The details to be submitted as part of the Landscaping Management Plan and Long Term Landscaping Strategy shall include but not be limited to:

- General objectives of the proposed landscaping works part of the Landscaping Management Plan and Long Term Landscaping Strategy
- Tree survey and specification in accordance with section 4.4 of BS5037: 2012 including the the position of any existing trees including species, position, size and condition-
- Detailed tree felling / pruning specification in accordance with the British Standard 3998: 2010 Recommendation for Tree Works together with reasoned justification for any proposed treatment.
- Details of new trees, hedges and shrubs to be planted including species, planting sizes and planting densities.
- Details of species, planting sizes and planting densities of other soft landscaping including but not limited to any herbaceous / climbers / grasses / ground cover plants
- Detailed landscape maintenance schedule for regular pruning, watering, fertiliser and means of planting, staking and tying of trees, including tree guards
- Existing contours and spot levels and any proposed alterations to levels such as earth mounding and excavations.
- Details of areas of hard landscape works including paving, proposed materials samples and details of all techniques to be used to provide conditions appropriate for new plantings.
- Existing and proposed details of the pond, Bothy Garden, Bog Garden, Rockery Planting, Play Area and Kiosk and any other proposed hard landscape feature.
- Details of phasing for implementation including but not limited to timing of implementation of hard and soft landscaping, tree works and timing of planting.

c) All work comprised in the approved “Landscaping Management Plan and Long Term Landscaping Strategy” shall be carried out in accordance with details of phasing pursuant to section b).

d) Any existing tree shown to be retained or trees or shrubs or other soft landscaping to be planted as part of the approved “Landscaping Management Plan and Long Term Landscaping Strategy” which are removed, die, become severely damaged or diseased shall be replaced in accordance with the provisions set out in the Landscaping Management Plan and Long Term Landscaping Strategy.

In order to enable buildings works to start on site, standard tree conditions including temporary fencing and a method statement are also recommended.

Biodiversity matters

Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

Avenue House is identified as a Site for Local Importance for Nature Conservation.

Therefore a condition requiring the undertaking of a ecological survey is necessary to ensure that an adequate mitigation strategy is implement prior to the commencement of the proposed building works. This and the other tree and landscaping conditions ensure that the scheme makes appropriate contributions to biodiversity generally and that the new planting which takes place provides suitable levels of habitat.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with the objectives of planning policy on biodiversity and nature conservation matters.

The requirements to submit the survey are conditioned to be submitted at the same time as the condition controlling landscaping (see section below) in order to ensure that all matters are considered simultaneously.

Highways issues:

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network, seek more environmentally friendly transport networks, ensure that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan Document sets out the parking standards that the Council will apply when assessing new developments. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Highways officers have raised no objection to the proposals.

Cycle parking: The proposal included 4 cycle racks, as shown on the drawing with ref: 210 rev.B near the main pedestrian access on the East End Road. The type of the cycle racks is proposed to be Sheffield-cycle racks. This part of the proposal is considered acceptable.

Refuse/Recycle/Service/Deliveries: Refuse/recycling/deliveries/service vehicles require regular access to accommodate this development. It is not clear how the existing buildings are serviced, the frequencies, including where the existing collection points are located at present and if changes are proposed, with regards to refuse/recycle/service and deliveries. I require further details to assess this proposal, including the area that will facilitate turning movements for these vehicles.

Conditions have been requested to secure details of the reconfigured entrance along East End Road and servicing and deliveries.

Impacts on amenities of neighbouring and surrounding occupiers and users:

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

The proposed uses are not be expected to generate unacceptably high levels of noise and disturbance to the extent that they would harm the amenities of the occupiers of neighbouring properties in the normal course of their use.

The Council's Environmental Health Officer has no objection on this ground subject to the inclusion of planning conditions.

Environmental issues:

The proposed building works to allow the change of use to A3 / A5 relate to commercial premises only. It is assumed that a flue and or ventilation equipment may be necessary to serve the new converted premises.

However, as the nearest residential property is located approximately 90 meters away from the site, it is not considered that the proposals will generate any detrimental environmental impact on the amenity of these local residents.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of the objections raised relate to the proposed landscaping works and potential tree removals. All planning drawings and documents were amended following submission of the application to remove references to tree removals and it is on this basis that the application is to be presented to Members.

In order to ensure that members of the public and local societies' views are taken into account when those matters are considered, officers have recommended that another round of public consultation is carried out upon receipt of those details and the final decision referred to planning committee.

In addition to the proposed consultation by the Local Planning Authority, the Avenue House Estate has provided a press release as response to the concerns raised which is considered to be relevant here and in addition provides the Council's agreed stance on this issue:

"Avenue House Estate Trust has agreed with Barnet Council a revised approach for the tree removal strategy in connection with the current HLF funded project, which it is hoped will also help address the concerns that have been circulating this. To clarify the situation the Trust has prepared this statement to explain what is currently being proposed and how it intends to consult the public on this important issue.

Statement from Avenue House Estate Trust

The tree collection is one of the glories of Avenue House and the preservation of the collection is a top priority for the Trust. The collection includes many rare specimens and trees that were planted by Robert Marnock in last quarter of the 19th century. Trees do need to be cared for properly and during the intervening decades, the tree stock has suffered from a lack of management. There are now over 650 trees on a 4.5 hectare site.

As part of the HLF-funded restoration project, a qualified arborist has surveyed every tree on the site, assessing the quality of each specimen and identifying work that should be carried out to preserve tree health. This survey has established that 60% of the trees on the site are of poor quality. The future strategy for trees at Avenue House is to preserve the most important specimens and to increase the percentage of good quality trees from its current low level. This will entail the removal of some poor quality specimens which are impeding the development of better trees.

The restoration of the Avenue House Estate is being funded by the Heritage Lottery Fund so the history of the site is also something that we have had to consider. We have looked at the landscape design developed by Robert Marnock and considered the steps we should take to re-create that landscape, including how he used trees in a landscape setting. We have concluded that the removal of some trees might be necessary to re-create the Marnock landscape.

The planning process

All of the trees at Avenue House are protected by law and the Trust cannot cut down a single tree without the agreement of the local authority. We have submitted a planning application that refers to the possibility of tree removals, but after detailed discussions with Barnet Council, we have agreed to withdraw any reference to tree removals and to deal with these as a condition of planning permission at a later date. This will give us an opportunity to discuss possible tree removals with the Tree Officer from Barnet Council and more importantly, to consult in detail with residents and other interested parties on proposals to remove trees. This consultation will include a public meeting and walkabout to look at every single tree that we are thinking about removing. The

timetable will be as follows:

May - planning permission granted by Barnet Planning Committee for the landscape scheme. A condition regarding proposals for tree removals will be attached to permission for discharge at a later date.

June - discussions with the Barnet Tree Officer and a public meeting at Avenue House to assess all of the trees that we are intending to remove.

September – discharge of planning condition at Barnet Planning Committee. This will be a public meeting at which objections to the final tree felling strategy can be heard by the full planning committee.

We will announce dates for all of the above via the website as these are finalised. "

One particular concern raised was the proposal to remove some trees which has been planted in commemoration of certain events and visits. The opportunity to raise this point will come under the discharge of the landscaping condition set on this approval.

There have also been some concerns with some of the detailing proposed for the building works, including the treatment of the stable and garage block. It should be noted that the proposals have been looked at and commented on by both Barnet's internal Urban Design and Heritage team, as well as by English Heritage who raise no objection to the principle of the works but have asked for the conditioning of many of the details.

4. EQUALITIES AND DIVERSITY ISSUES

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

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

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

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

- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters, by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the proposed development is such that the site would, as an area of land, become more accessible to all members of the community. In this sense the development would have a positive effect in terms of equalities and diversity matters. It is found to be of particular benefit to disabled people (improved access to facilities) and young children (improvement to playgrounds)

It is considered by officers that the submission adequately demonstrates that 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 support the council in meeting its statutory equality responsibilities.

5. CONCLUSION

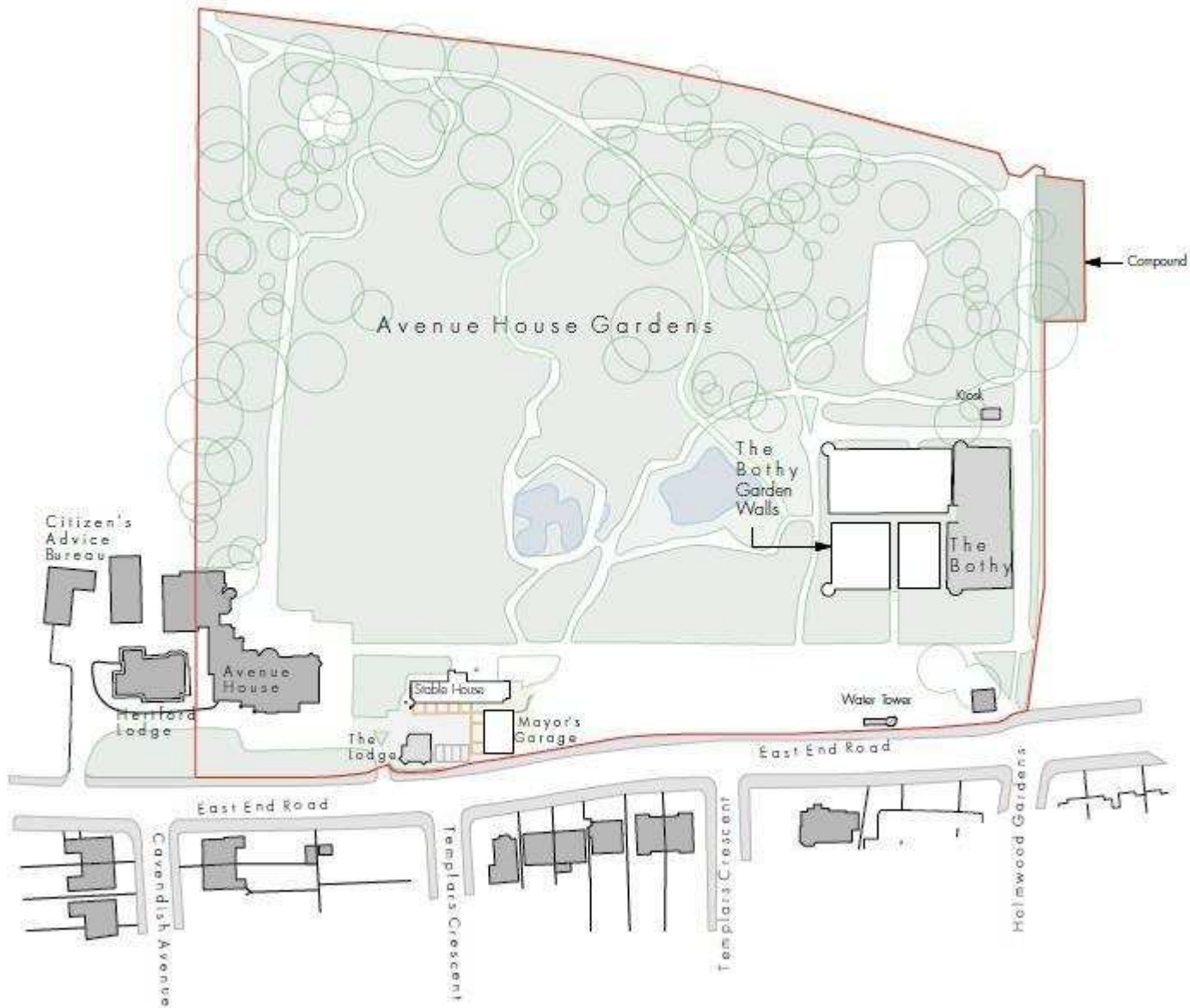
Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the listed building and protect the character of this part of the Finchley Church End Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character. **APPROVAL** is recommended.

SITE LOCATION PLAN:
3QE

Avenue House, 17 East End Road, London, N3

REFERENCE:

F/01251/14



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LOCATION: Avenue House, 17 East End Road, London, N3 3QE **AGENDA ITEM 10**
REFERENCE: F/01331/14 **Received:** 06 March 2014
WARD(S): Finchley Church End **Accepted:** 05 March 2014
Expiry: 30 April 2014

Final Revisions:

APPLICANT:

PROPOSAL: Refurbishment and internal changes of stable block with new restaurant facilities. Change of use from Class D1 (Community) to Class A3 (Cafe/Restaurant).
 Refurbishment and internal changes of garage building. Change of use from Class B8 (Storage) to Class D1 (Community).
 Refurbishment and restoration of existing Toilet Block with new hot food servery and disabled WC. Change of use from Sui Generis to A5 Hot food takeaway.
 New single storey building to replace depot building.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 5861.01.001 Existing Site Plan; 5861.01.120 Hardworks Demolition Plan; 5861.01.130 Existing Condition Survey; 5861.01.140 Existing Plant Survey; 5861.01.150 Cost Plan Zones (Stage D); 5861.10.160 Management and Maintenance Plan Zones; 5861.01.170 Access and Circulation Plan; 5861.01.200 General Arrangement: Location Plan; 5861.01.210 General Arrangement: Avenue House and Stable Yard; 5861.01.220 General Arrangement: Monkey Hill and Avenue Road Entrance West; 5861.01.240 General Arrangement: Bog Garden; 5861.01.250 General Arrangement: Water Tower and East End Road Entrance East; 5861.01.260 General Arrangement: The Bothy Garden; 5861.01.270 General Arrangement: Outdoor Learning and Classroom Area; 5861.01.280 General Arrangement: Playground and Kiosk; 5861.01.290 General Arrangement: Depart and Avenue Road Entrance East; The Stable Yard and Associated Buildings: Architectural Report, Heritage Report and Design and Access Statement
 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 plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This work must be begun not later than three years from the date of this consent.
 Reason:
 To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 3 This work must be begun not later than three years from the date of this consent.
 Reason:
 To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 4 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

In order to safeguard the special architectural or historic interest of the Listed Building in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012).

- 5 Further details on all reconfigured entrance(s) to be submitted.
- the proposed height or changes to the vehicular/ pedestrian gate (s)
 - details about the gate operations to be disclosed, including maintenance agreement
 - visibility spays at the modified vehicular access to be provided including design considerations on safety implications
 - The new proposal to be designed to accommodate the disabled users. That includes the areas where the footpaths are realigned including the access gates.
 - Surface water drainage to be incorporated as part of the design. No surface water to be discharged onto the public highway

The pedestrian and vehicular gate(s), must not interfere with public highway safety.

Reason:

In the interests of highway safety in accordance with Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 6 Notwithstanding, the submitted plan with ref: 170 rev. A, further details to be submitted and agreed in advance with LPA, about how servicing and deliveries will be done, including refuse and recycling. In addition, to submit swept path analysis for vehicles required to facilitate the changes the proposal.

Reason:

In the interests of highway safety in accordance with Policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 7 Notwithstanding the details hereby approved, further details of the proposed new pedestrian access gates and 500mm high metal railing on top of the brick perimeter boundary wall 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 character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 Notwithstanding the details hereby approved, further details of the proposed concrete and render repairs to the Water Tower and The Bothy walls 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 character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 9 Before the development hereby permitted is occupied the following details 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:

- other hard surfacing and paving materials (including York Stone) with samples
- re-pointing to stable building and garage
- new doors and windows at scale 1:10 with sample
- facing materials
- signage
- lighting
- benches
- litter bins

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 10 Notwithstanding the details hereby approved, further details of the proposed outdoor classroom at The Bothy Garden 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 character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- ii) In this case, formal pre-application advice was sought prior to submission of the application.

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

The Mayor's London Plan July 2011

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 and is recognised in the NPPF as part of the development plan.

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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7, CS10

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM06, DM13, DM15, DM16, DM17.

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations:

- Sustainable Design and Construction SPD (2013).

- Finchley Church End Conservation Area Character Appraisal (2011).

Relevant Planning History:

Application: Planning **Number:** C/06122/T/04
Validated: 16/06/2004 **Type:** APF
Status: DEC **Date:** 01/11/2004
Summary: AP **Case Officer:**
Description: Amended internal layout and external alterations in respect of the refurbishment and repairs of the Bothy to create an arts and community centre together with new vehicular access from East End Road that was approved 2/1/2001 (C06122G/99) and is currently being implemented.

Application: Planning **Number:** C/06122/V/05
Validated: 09/03/2005 **Type:** APF
Status: DEC **Date:** 21/04/2005
Summary: APC **Case Officer:**
Description: Installation of statue, bench and associated paving on grass verge to front of building on East End Road.

Application: Planning **Number:** C/06122/W/06
Validated: 14/03/2006 **Type:** LBC
Status: DEC **Date:** 23/06/2006
Summary: APC **Case Officer:** Karina Conway
Description: Forming new doorway changing double doors to single door with 2 side windows. Bricking up to underside of cills with salvaged bricks, and conversion from garden store to tea room.

Application: Planning **Number:** C/06122/X/06
Validated: 14/03/2006 **Type:** APF
Status: DEC **Date:** 23/06/2006
Summary: APC **Case Officer:** Karina Conway
Description: Change of use from store to tea room. Forming door. Changing double door to door and side windows.

Application: Planning **Number:** F/01797/13
Validated: 17/05/2013 **Type:** LBC
Status: DEC **Date:** 12/07/2013
Summary: APC **Case Officer:** Alissa Fawcett
Description: Change of use from Class D2 to Class D1 (Therapy and Training Centre). Single storey infill extension to North and South Courtyards, following demolition of existing outbuildings in South Courtyard. General refurbishment (Listed Building Consent).

Application: Planning **Number:** F/01798/13
Validated: 17/05/2013 **Type:** APF
Status: DEC **Date:** 12/07/2013
Summary: APC **Case Officer:** Alissa Fawcett
Description: Change of use from Class D2 to Class D1 (Therapy and Training Centre). Single storey infill extension to North and South Courtyards, following demolition of existing outbuildings in South Courtyard. General refurbishment.

Consultations and Views Expressed:

Neighbours Consulted: 0
 Replies: 10
 Neighbours Wishing To Speak: 0

It should be noted that the majority of objections were received before the applicant removed all aspects of changes to the landscaping from this application.

The objections raised may be summarised as follows:

- Loss of habitat
- Valuable ecosystem which if removed would be great loss to Finchley
- Concerns with consultation
- Many of the trees listed are rare and should be protected
- Concerns with impact RPA of nearby trees from Depot building
- Excellent plan but more facilities will result in parking issues on nearby roads
- Gardens part of Finchley Central's heritage
- Tree removal is wanton destruction
- Trees needed for oxygen, wildlife cycle and enhancement of the environment
- Proposed tree removal is not one that people going to the park favour
- Proposals to create vistas misunderstands the nature of the grounds
- Willful destruction of trees will diminish rather than enhance this place
- To remove perfectly healthy trees seems bizarre and unecological
- The Council is the guardian of the grounds not owner
- The Friends of Avenue House and English Heritage should have been consulted before proceeding with scheme
- Reasons for tree removal woefully inadequate space in the borough is more intensively used than when Avenue House developed, so what trees and plants we do have should be preserved as a priority
- Trees and bushes provide psychological benefits
- Lack of transparency for consultation on tree proposals
- Understand that dead / dying trees need management but object to removal of healthy trees
- Only way Avenue House should be allowed to open up vista as they wish us to replace every tree which they remove with another in an alternative area, the replacements may or may not be located in Stephens Gardens
- Trees should only be felled where they present an obvious danger
- This is an extraordinary number of trees to remove and it is quite unacceptable in environmental aspect
- Extreme anxiety over the possible reckless felling of 118 trees, the gardens are magnificent and should be preserved at any cost

Three letters of support were received relating to the building work proposals at the stable block, garage building and toilet block.

Internal /Other Consultations:

Urban Design & Heritage - No objection: In summary the works to improve public access and increase the use of the parkland by visitors is supported as being highly beneficial to these important designated heritage assets. The alterations to the listed buildings are considered to be sensitively designed and not harmful to their significance. Further details would however, be useful in a number of areas (including; elevations of pedestrian access gates, railings, details of depot building,

paving samples, further details of repairs to Water Tower and Bothy walls, details of repointing for stable buildings and garage).

Conditions should otherwise be attached requiring drawings or samples to illustrate specific elements such as new doors, windows, facing materials, railings, paving and surface materials signage, lighting etc.

English Heritage - Support application: We strongly support the principle of these proposals; a cafe at Avenue House will provide a long-term sustainable future for the park (a registered landscape) which will assist with the restoration of the Bothy and Water Tower in the grounds, both listed and both on our register of Heritage at Risk. Although there is minor loss of historic fabric in the stables, I suggest this modest level of harm is strongly outweighed by the substantial public (and heritage) benefits of the wider proposals.

I understand there are potentially some problems with trees associated with this application. The grounds of Avenue House are noted for their specimen trees, some of which were planted as an arboretum concept by the house's original owner. However, those close to the stables are not of particular significance and we would support their removal to enable restoration and conversion of the buildings. If there are any specific matters relating to the historic natural environment you would like further advice with, my landscape architect colleague Zosia Mellor would be pleased to give assistance if needed. The landscape manager of our historic property division may also be able to assist with such issues. Do get in touch if you would like their help.

Finchley Conservation Area Advisory Committee - No objection to building works, but concerns about lack of information on landscaping proposals

Friern Village Resident's Association - Extremely concerned about the huge numbers of trees shown for removal. We understand that dead or dying trees do need to be managed to improve safety of the public using the gardens. However, we do strongly object to the removal of healthy trees to simply "open up vistas". A number of trees have been planted in commemoration of certain events and visits, these should certainly not be removed. The public consultation period should be extended for tree matters.

Dollis Park and District Resident's Association - Serious concern at large programme of tree felling and failure of the Council to keep informed local residents.

Finchley Society - Supportive of intention behind applications but do not wish this strong general support to be taken as approval of the details of this complex proposal. The Council is urged to grant consent in principle to enable the funding to go ahead but not consent to many of the details of the application without further consideration and public consultation. Our concerns relate to two aspects of the plans - the proposed removal of a large number of trees and the treatment of the listed stable block. In regards to trees, do not believe the felling of many of them is justified by the apparent desire to return to the C19 state, which was fluid and has been altered by recent introductions such as children's playground and public toilets. In regards to the listed buildings, happy with the concept of opening up the courtyard to East End Road and to the improvement to the cafe / restaurant but unhappy with treatment of stable and garage blocks. The replacement of the present roller shutter

to the garage block by glazing seems to move further away from the Victorian aspect of the building, and it is not clear if the end gables will retain, as they should, the distinctive blue doors. Also unhappy with the slit windows proposed for the back of the stable block, their aspect seems mean from the outside and inside they relate badly to interior tiling. Suggested conditions; (i) the position and details of the arrow slit windows proposed for the north elevation (ii) the details of the openings proposed to the garage block including the glazed central section and the retained doors and backings screen to the end gables (iii) agreement following public consultation as to those trees whose removal is essential

Further detailed comments specifically on the proposed tree removals were provided by the Finchley Society, as follows;

There are strong misgivings about the nature of the public consultation that has been carried out - put simply, we feel the whole issue and scale of proposed tree felling has not been made clear to anyone in the neighbourhood, local interest groups or the general public. The 'exhibition held in the foyer of Avenue House in the New Year did not specify the number, location or types of trees proposed to be felled, it merely talked of 'creating vistas' and your own letter to residents (to Owner and/or Occupier and dated 18th March 2014) specified only the proposed building works and did not mention anything about proposed removal of trees.

I know there is widespread local concern over tree felling because many local people have contacted me and not one of them knew anything for sure except rumours. It seems as though the 'Application For Treeworks' has been buried within a planning application that, on the face of it is not easily accessible. Many people have complained to me that they can't find anything on the website. As you suggested on the phone, I am therefore making a formal request that the public consultation be entirely re thought and carried out afresh, certainly new letters should be sent to local residents informing them of the proposed tree works and a new and extended period should be granted for making comments. Avenue House and its grounds are central to the Church End Conservation Area and we feel that such an important issue as this should not be allowed to 'slip in under the radar'. As I mentioned to you, my team and I will need some further consultation time in order to prepare documentation in full. We are intending to write to you about the trees in Avenue House in the near future and I will include photos in our report that I hope will be of use to you.

Date of Site Notice: 27 March 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the northern side of East End Road, closest to the junction with Regents Park Road, within Area 3 of the Finchley Church End Conservation Area.

The adopted Conservation Area Character Appraisal notes;

"A collection of listed buildings including Avenue House, stable block and yard, entrance lodge, along with The Bothy and Water Tower, Hertford Lodge and adjoining Coach House. The large mansions were built in 1850s in the Italianate style, three and four storeys high in stucco and slate. Avenue House was the former home of Henry Charles Stephens, the ink manufacturer and was remodelled extensively in the 1880s. Hertford Lodge is more modest in size but very imposing and has recently been restored and converted to apartments, following a fire. A well designed flatted development, of recent construction, built in yellow brick, is located to the rear of Hertford Lodge, and this adjoins a former coach house which has been converted into apartments. The buildings and grounds at Avenue House Estate have been run by the Avenue House Estate Trust since 2002. They are held in a Trust for Finchley residents. They are also home to the Finchley Society and their archive

The entrance lodge, stables and coach house are situated within the complex. They were built as a group in the 1880's of Gothic design in stock brick and slate. The entrance lodge fronting the street features a prominent brick chimney stack, angled bay windows and pyramidal roof. The coach house is of yellow brick with a hipped slate roof and projecting half gabled wings. The stable complex and yard is mainly single storey with dormers in the roof and a two storey element at one end, completed by a three storey circular tower with metal finials. They form a picturesque collection of buildings and add to the setting of the two main buildings

The landscaped grounds were formally laid out in 1882 with strategically positioned follies and landscape elements such as a pond, planted mounds and fine specimen trees, among which are blue atlas cedar wellingtonia, dawn redwood and purple beech. The follies include The Bothy, with its distinctive castle-like battlements and tall garden walls. The Water Tower is located within the heavy tree and hedge boundary on the southern side of the park."

The buildings on site including Avenue House itself, the former Stables, former Coach House, Lodge, Water Tower and The Bothy are all Statutory Listed buildings with individual list descriptions all dating from the around 1880. The main house sits on the south-west corner of the site, with the other notable buildings located to its east. The House is bounded by trees to both the south and west and lawn gradually slopes down in an easterly direction.

The main Avenue House building was a residential villa built in 1859 bought by Henry Stephens, the son of the inventor of blue-black ink in 1874. He enlarged and improved the buildings and commissioned the landscape gardener Robert Marnock to create a suitable garden with lawns, ponds, mounds, a rockwork, informal paths and steps, paddock and kitchen garden (The Bothy). Exotic tree and plant species were planted and a water tower with adjacent laundry, a lodge, coach house and stable block were introduced.

After Stephen's left the site in 1900 he bequeathed the House and 10 acres of the grounds to the people of Finchley on the condition that it should be 'open for the use and enjoyment of the public under reasonable regulations'.

Proposal:

This application seeks listed building consent for the following works:

- refurbishment and internal alterations to stable block with restaurant facilities
- change of use from Class D1 (Community) to Class A3 (Cafe / Restaurant)
- refurbishment and internal alterations to garage building
- change of use from Class B8 (Storage) to Class D1 (Community)
- refurbishment and restoration of existing Toilet Block with new hot food servery and disabled WC
- change of use from Sui Generis to Class A5 (Hot food takeaway)
- single storey building to replace depot buildings

It should be noted that detailed landscaping proposals were originally submitted with the application. All planning drawings and documents were amended to remove references to tree removals and it is on this basis that the application is presented to Members.

It should be noted that there is an accompanying full planning application under reference: F/01251/14.

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Finchley Church End Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Building Works / Impact on the listed structures

The proposals relate to works within the grounds of Avenue House and include a number of listed structures including the Stables, Water Tower and The Bothy. The gardens are formally registered as a Historic Park and Garden by English Heritage. It should be noted that a Heritage Lottery Fund application for grant assistance has been submitted for the works subject to this application but also including the restoration and conversion of the landscape.

The proposals involve a number of historic outbuildings and structures within the grounds of Avenue House. The principal works are centred upon the Stable block and the adjoining Mayor's garage. It is intended to open up the site in this area to allow greater public access and community use of the buildings. Presently, these buildings are somewhat hidden from public view and are not particularly accessible for users of the parkland.

The buildings are proposed to be adapted with minor alterations to be used as visitors centre, education centre, cafe with adjoining kitchen and improved toilets. The south-facing courtyard which presently is under-used is intended to be used more intensively by the public who would pass through this area to gain access to the gardens. It is proposed to reinstate a pedestrian access from East End Road, and this would become the primary entrance to the gardens. The boot room will be re-modelled to provide an arched entrance with new improved toilets within the former tea room. Three narrow openings in the stable block wall are proposed to provide a visual connection from the cafe to the parkland. The existing Mayor's garage and gardeners store will be converted for use as an education / exhibition space. In addition, a new refreshment kiosk is proposed within the grounds at the site of an existing derelict structure near to the playground in the north-east area of the site, close to The Bothy.

Stables

Repair works include: pointing, masonry repairs.

Proposed change of use from D2 (community) to A3 (cafe / restaurant)

The tearooms are proposed to be converted to toilets. The existing doors will be converted to windows to suit the proposed new layout. New windows are proposed to the north wall of the main stable space. The creation of new archway on North wall to form new entrance gateway from stable yard into the gardens is proposed. New service layout with new kitchen and servery is proposed to support the new use as cafe restaurant.

Mayor's Garage

Repair works include: pointing, Masonry repairs, structural works to timber beams, minor roof repairs, replace polycarbonate roofing, redecoration.

Proposed change of use from B8 (Storage) to D2 (community)

It is proposed to remove the internal walls, install a new concrete insulated floor and associated tanking, line the walls and soffit with insulation and plaster board. A new storage facility will be provided against the rear wall. Inner windows will be provided to the garage doors.

Water Tower

Repair works include: concrete and render
The Bothy Walls

Repair works include: concrete and render.
It is proposed to rebuild parts of the existing structure. Further details are required through the imposition of a specific condition.

Gardeners Store / Depot

All details of proposals are required through the imposition of a specific condition.

Playground Toilets

Repair works to include: pointing, Masonry repairs, structural works to timber beams, minor roof repairs.
Proposed change of use to A3 (cafe) with single toilet / changing area.

Landscaping Works

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the Council will, where appropriate, require replanting with trees of an appropriate size and species.

All trees are protected by virtue of being located in a conservation area and cannot be pruned / removed without the prior consent of the Local Planning Authority.

The grounds of Avenue House were not developed as a public park and whilst it is considered that the original layout provides an important benchmark for the development of the site.

The existing various elements found on site, including the pond, The Bothy garden, Bog Garden, Rockery and the play area have suffered from lack of management and the proposals seek to improve useability and access to all users.

Particular landscaping issues found on site include overground shrubs obscuring views to the house and reduces path widths, some existing benches poorly used and

located, the pond fails to live up to its aesthetic or ecological potential, stable yard is in poor condition and cluttered, access to Monkey Hill is difficult with worn out paths, the existing entrance provides a poor arrival to the facilities, the existing playground does not make the most of its landscaped setting.

Details shown on the remaining drawings submitted show alterations to hard landscaping and feature improvements across the site are as follows:

Pond: The pond is not considered to meet its full potential. The proposals aim to enhance the pond area, improve water quality and biodiversity with additional planting and restore the cascade waterflow feature.

The Bothy Garden: This is proposed to provide an education and sensory experience for visitors including school groups and other on-site parties. Specific areas will be provided with special textures, colours and scents, as well as a designated outdoors classroom to act as a base for activities.

Bog Garden: This interesting relic thought to be part of the original water circulation and storage system installed by Stephens, which is no longer in use and causing the bog garden to dry out. It is proposed to restore the required water supply allowing for appropriate planting.

Rockery Planting: This historic feature shows sparse planting and is in need of improvement. It is proposed to rebuild and replant the existing with carefully selected plants.

Improved Play Area and Kiosk: Whilst it is recognised that the existing facilities are well used it is considered that there is an opportunity to improve the amenities. It is proposed to retain the existing equipment but open up and increase the footprint of the area within a newly fenced area. This will allow for greater space for new facilities and an adjacent cafe / WC. The new play items include woven willow features, sand play and equipment for older ages. These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Finchley Church End Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene and conservation area.

As explained earlier, all planning drawings and documents were amended following submission of the application to remove references to tree removals and it is on this basis that the application is to be presented to Members.

Instead, it is proposed that a planning condition controls all matters relating to tree removal and changes to the landscaping of the site. It is recognised that the majority of objections raised by local residents and societies centres around the loss of trees.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of the objections raised relate to the proposed landscaping works and potential tree removals. All planning drawings and documents were amended following submission of the application to remove references to tree removals and it is on this basis that the application is presented to Members.

In order to ensure that members of the public and local societies' views are taken into account when those matters are considered, officers have recommended that another round of public consultation is carried out upon receipt of those details and the final decision referred to planning committee.

In addition to the proposed consultation by the Local Planning Authority, the Avenue House Estate has provided a press release as response to the concerns raised which is considered to be relevant here and in addition provides the Council's agreed stance on this issue:

"Avenue House Estate Trust has agreed with Barnet Council a revised approach for the tree removal strategy in connection with the current HLF funded project, which it is hoped will also help address the concerns that have been circulating this. To clarify the situation the Trust has prepared this statement to explain what is currently being proposed and how it intends to consult the public on this important issue.

Statement from Avenue House Estate Trust

The tree collection is one of the glories of Avenue House and the preservation of the collection is a top priority for the Trust. The collection includes many rare specimens and trees that were planted by Robert Marnock in last quarter of the 19th century. Trees do need to be cared for properly and during the intervening decades, the tree stock has suffered from a lack of management. There are now over 650 trees on a 4.5 hectare site.

As part of the HLF-funded restoration project, a qualified arborist has surveyed every tree on the site, assessing the quality of each specimen and identifying work that should be carried out to preserve tree health. This survey has established that 60% of the trees on the site are of poor quality. The future strategy for trees at Avenue House is to preserve the most important specimens and to increase the percentage of good quality trees from its current low level. This will entail the removal of some poor quality specimens which are impeding the development of better trees.

The restoration of the Avenue House Estate is being funded by the Heritage Lottery Fund so the history of the site is also something that we have had to consider. We have looked at the landscape design developed by Robert Marnock and considered the steps we should take to re-create that landscape, including how he used trees in a landscape setting. We have concluded that the removal of some trees might be necessary to re-create the Marnock landscape.

The planning process

All of the trees at Avenue House are protected by law and the Trust cannot cut down a single tree without the agreement of the local authority. We have submitted a planning application that refers to the possibility of tree removals, but after detailed discussions with Barnet Council, we have agreed to withdraw any reference to tree removals and to deal with these as a condition of planning permission at a later date. This will give us an opportunity to discuss possible tree removals with the Tree Officer from Barnet Council and more importantly, to consult in detail with residents and other interested parties on proposals to remove trees. This consultation will include a public meeting and walkabout to look at every single tree that we are thinking about removing. The timetable will be as follows:

May - planning permission granted by Barnet Planning Committee for the landscape scheme. A condition regarding proposals for tree removals will be attached to permission for discharge at a later date.

June - discussions with the Barnet Tree Officer and a public meeting at Avenue House to assess all of the trees that we are intending to remove.

September – discharge of planning condition at Barnet Planning Committee. This will be a public meeting at which objections to the final tree felling strategy can be heard by the full planning committee.

We will announce dates for all of the above via the website as these are finalised. "

One particular concern raised was the proposal to remove some trees which has been planted in commemoration of certain events and visits. The opportunity to raise this point will come under the discharge of the landscaping condition set on this approval.

There have also been some concerns with some of the detailing proposed for the building works, including the treatment of the stable and garage block. It should be noted that the proposals have been looked at and commented on by both Barnet's internal Urban Design and Heritage team, as well as by English Heritage who raise no objection to the principle of the works but have asked for the conditioning of many of the details.

4. EQUALITIES AND DIVERSITY ISSUES

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

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

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

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters, by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the proposed development is such that the site would, as an area of land, become more accessible to all members of the community. In this sense the development would have a positive effect in terms of equalities and diversity matters. It is found to be of particular benefit to disabled people (improved access to facilities) and young children (improvement to playgrounds)

It is considered by officers that the submission adequately demonstrates that 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 support the council in meeting its statutory equality responsibilities.

5. CONCLUSION

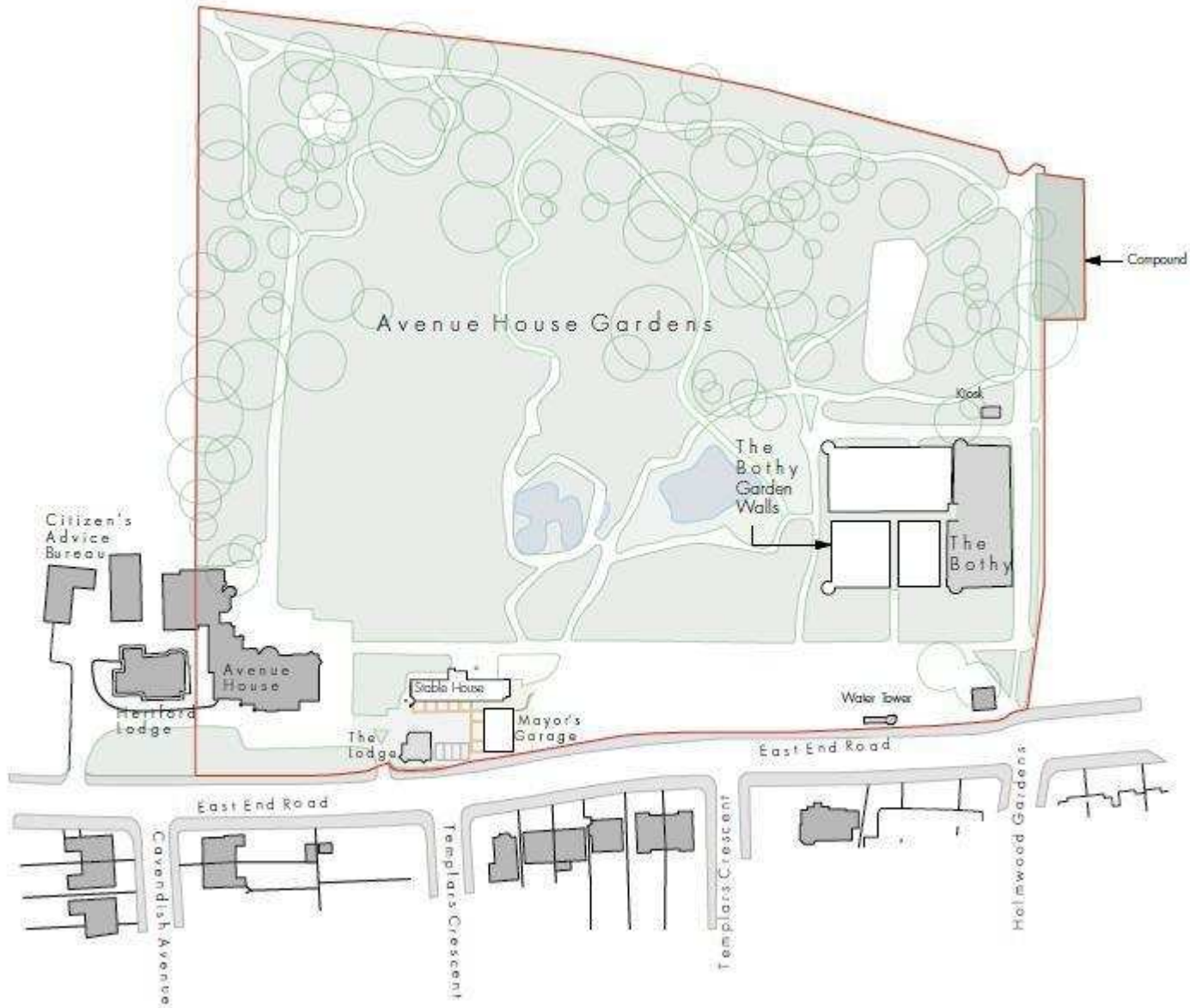
Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the listed building and protect the character of this part of the Finchley Church End Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character. **APPROVAL** is recommended.

SITE LOCATION PLAN:
3QE

Avenue House, 17 East End Road, London, N3

REFERENCE:

F/01331/14



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LOCATION: Ibsa House, The Ridgeway, London, NW7 1RN

AGENDA ITEM 11

REFERENCE: H/00807/14

Received: 17 February 2014

Accepted: 27 February 2014

WARD: Mill Hill

Expiry: 29 May 2014

Final Revisions:

APPLICANT: IBSA

PROPOSAL: Extension of IBSA House comprising three-storey extension to the north-west wing at first, second and roof level, and three-storey extension to the south wing at second, third and roof level, to create 3,233sqm of additional office floorspace.

Approve Subject to S106

Subject to a Section 106 Agreement

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Open Spaces (specific site or purpose) £40,000.00**
A contribution towards the provision of open space improvements to Bittacy Park
- 4 **Employment and Skills £8,637.00**
A contribution to the Employment and Skills Development Programme in the London Borough of Barnet.
- 5 **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.
- 6 **Monitoring of the Agreement £2,431.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: H/00807/14 under delegated powers subject to the following conditions: -

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site location plans, MS+001-08, IE+906-19x, IE+906-20x, IE+906-21x, IE+906-22x, IE+906-23x, IE+906-24x, IB+110-11, IE+906-20, IE+906-21, IE+906-22A, IE+906-23A, IE+906-24A, IE+906-25, IE+111-07, IE+111-08A, IE+111-09, IE+111-10A, Visual Impact Assessment, Planning Statement, Design and Access Statement, Arboricultural Survey and Maintenance Manual, Transport Statement, Travel Plan, Sustainability Statement, Operational Statement, Foul Sewage and Utilities Assessment, Daylight, Sunlight and Overshadowing Assessment, Site Waste Management Plan, Noise Impact Assessment, Public Consultation Document, Socio-Economic Impact Assessment, Environmental Overview, Economic Statement.
- 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 plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
- Reason:
To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 4 The 41 parking spaces, coach and minibus parking space on site and shown on plan MS+001-08 shall be provided hereafter and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- Reason:
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.
- 5 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 10% in readiness. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.
- Reason:
To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.
- 6 Before the development hereby permitted is occupied provision shall be made for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

reason: In the interests of promoting cycling as a mode of transport in accordance with policy CS9 of the Barnet Local Plan Core Strategy (2012) and policy DM17 of the Development Management Policies DPD (2012).

- 7 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 9 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 The non-residential development is required to meet the BREEAM (Office) standard of 'excellent' and details of the certification shall be submitted prior to first occupation of the building hereby permitted.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 11 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 12 The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied separately.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 3 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

RECOMMENDATION III

That if an agreement has not been completed by 28/05/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/00807/14 under delegated powers for the following reasons:

1. The proposal fails to include an undertaking to make provision for improvements to open space within the Borough or to contribute to Barnet's Skills, Employment and Enterprise Plan, together with the associated monitoring costs, contrary to policies CS7, CS8 and CS15 of the Barnet Local Plan Core Strategy, the Planning Obligations SPD and Draft SPD on Delivery of Skills, Employment, Enterprise and Training from Development through Section 106.

2. The proposal fails to include an undertaking to provide a Travel Plan and contribute to the associated monitoring costs, contrary to policy CS9 of the Barnet Local Plan Core Strategy and policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

MATERIAL CONSIDERATIONS

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development
CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development
CS1 - Barnet's Place Shaping Strategy – The Three Strands Approach
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, effective and efficient travel
CS11 - Improving health and well-being in Barnet
CS12 - Making Barnet a safer place
CS13 - Ensuring the efficient use of natural resources
CS14 - Dealing with our waste
CS15 - Delivering the Core Strategy

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM11 Development principles for Barnet's town centres
DM12 Maintaining our local centres and parades
DM13 Community and education uses
DM14 New and existing employment space
DM17 Travel impact and parking standards

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)
Residential Design Guidance (2013)
Planning Obligations (2013)
Mill Hill East Area Action Plan

Draft SPD on Delivery of Skills, Employment, Enterprise and Training from Development through Section 106

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Application:	Planning	Number:	H/05138/13
Validated:	05/11/2013	Type:	ESCR
Status:	DEC	Date:	26/11/2013
Summary:	ESN	Case Officer:	Graham Robinson
Description:	Environmental impact assessment screening opinion and scoping opinion.		

Consultations and Views Expressed:

Neighbours Consulted: 59
Replies: 7
Neighbours Wishing To Speak: 0

Summary of objections

The proposal would exacerbate existing issues with congestion and traffic movement

The proposal would be out of character and detrimental to the character and appearance of the application site and surrounding area

The proposal will have an adverse impact on neighbouring residents access to light

The proposal will result in overlooking

If the occupiers of the building vacate, the employees will swamp local facilities

Internal /Other Consultations:

Environmental Health officer – the existing noise from the loading bay will be reduced by the effect of screening from the proposed extension

Highways officer - the submitted information indicates that the proposal will not

impact adversely on highway safety but contributions should be made through a legal document in order to ensure that the proposed travel plan can be efficiently monitored.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site features a purpose built office building with a printery. The building facilitates the preparation, translation, printing and distribution of Bible based Christian literature. Literature is printed, packed and distributed countrywide and overseas.

The curtilage of IBSA House covers 20,470 sq. metres of which sq. metres are comprised of buildings. The building fronting The Ridgeway houses administrative and office uses whilst the rear of the site contains the factory and warehouse building housing the printing and distribution hub.

IBSA House is comprised of two main buildings: a printery at the rear and a five storey brick built building partly situated on and fronting the Ridgeway, NW7. Immediately north of IBSA House is Lowood house and a wooded area within the Metropolitan Green Belt and also owned by IBSA. On the application site's eastern and southern borders is land allocated for housing in the MHEAAP. Construction is well under way at Phase 2 of Millbrook Park on the southern boundary of IBSA House. IBSA House abuts with two storey suburban residential houses to the west, along its frontage with the Ridgeway in a predominantly residential area.

Proposal:

The application proposes the erection of 2 X 3 storey extensions to the property to provide 3,233sqm of additional office space. Windows, brickwork, painted profiled concrete features and metal roof materials are to match existing building finishes.

The proposed three-storey extension (a) to the north of the present administration block, is to be built over an existing flat roof area, surrounded by dense woodland to the north and a tree green belt at the foot of the gardens to the houses along The Ridgeway. The proposed three-storey extension (b) to the south of the present administration block is to be built over the loading bay area and a section of the Printery, in the central core of the site, at the same height and using the same finishes as the existing office building.

The existing building provides 18,929 sq. metres of floor-space. The north-west wing extension will create 1,274 sq metres. The southern wing extension is intended to add 1,959 sq. metres of floor-space. The proposed office extensions are approximately 17 % of the existing floor area.

Planning Considerations:

The main considerations are:

- The principle of the proposed development
- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring residents
- The impact of the proposal on highway safety and whether there would be a sufficient parking allocation
- Sustainability
- Section 106 Contributions
- Other material planning considerations

The principle of the proposed development

The application proposes extensions to the property that would provide additional floor space for B1 office use. The site is located outside of the town centre and policy DM14: New and existing employment space states that *“office space (Class B1) should be retained in town centres and edge of centre locations”*. In addition to this, paragraph 24 NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main 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 be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Main town centre uses include office use, however, the sequential test is only required where a town centre use is proposed outside the relevant town centre and is not in accordance with an up-to-date Local Plan. The proposal is in accordance with Barnet’s up-to-date Local Plan via policy MHE3 and the surrounding text which identifies IBSA house in the Mill Hill East Area Action Plan, acknowledging its importance as a local employer and its possible future expansion. Based on this consideration the principle of extending the existing office space is considered acceptable.

The impact on the character and appearance of the property and surrounding area

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *“will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character*

and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”.

The proposal would result in three storey extensions to the property. However, the maximum height of the existing building will not be exceeded. In this instance the proposed scale, siting and design of the extensions would ensure that they would not impact adversely on the character and appearance of the property and surrounding area.

The impact on the amenity of neighbouring residents

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The application site is located in proximity to residential properties and the proposed extension would result in an increase in the size of the building. However, the applicant has provided a sunlight and shadows study which indicates that the proposal will have minimal impact on the neighbouring properties. It is also considered that part of the extensions would shield houses in the new development to the south of the site from loading dock noise. Additionally, the extension would shield the visual and audible impact of the existing heat recovery plant installed in the Printery process plant room. Based on these considerations, the proposal is not considered to impact adversely on the amenity of neighbouring residents to an extent that would warrant the refusal of the application on these grounds.

With regards to noise, the applicant’s acoustic report states that, “The proposed development will have no adverse effect in terms of increased levels of noise on residential premises nearby to the IBSA premises. To the contrary the provision of a screen wall to the loading bay will significantly reduce noise emissions from this activity to the advantage of persons living in most of the nearby residential premises.” The council's environmental health department have also stated that they have no objection to the proposed development. As such, the proposal is not considered to impact adversely on adjoining residents through noise.

The impact on highway safety and whether there would be a sufficient parking allocation

The applicants have submitted a transport statement, travel plan and parking survey which indicates that the existing car parking spaces on the site are under utilised. The statement shows that although up to 100 offices would be created (which equates to an additional 17% of floorspace), the proposal would only add about 2% to the number of vehicle movements on the Ridgeway/Bittacy Hill at peak morning and evening hours. This equates to an average of 19 extra vehicle movements in the peak morning hour and 20 additional movements in the peak evening hour. It also states that the minimal impact of the proposal on traffic (around 2% increase of movements) is shown to be partly attributable to the fact that IBSA uses fleets of

minibuses to pick up volunteers from their homes located elsewhere within the Borough and therefore that the additional office floorspace would not result in a corresponding increase in vehicle movements, but rather a few additional minibuses (each minibus transports 15 persons).

The council's highways department have stated that given the information provided indicates that the current spaces are under utilised, the additional floorspace, which would be used for the same purposes as the existing use, would not be considered to generate unsustainable levels of traffic movement or exacerbate off street car parking issues. The highways department have therefore stated that there is no objection to the proposed office space, subject to conditions restricting the use of the premises to the applicant only and sufficient contributions to enable the highways authority to monitor the approved travel plan being provided by a legal agreement.

As such, the proposed parking arrangement is considered acceptable subject to the conditions above.

Sustainability

The applicant has submitted a Sustainability and Energy Statement which indicates that the application site is currently certified at a standard of BREEAM Very Good. The statement also states that the proposed method of constructing the extension would result in the building achieving a BREEAM Excellent rating and that although the building is being extended, the total CO₂ emissions of the office building as extended can be held at their current level.

Section 106 Contributions

The applicant has agreed to provide the following contributions in a phased order:

- £40,000 towards works for improvement in Bittacy Park
- £8,637 to support the Council in meeting the objectives of Barnet's Skills, Employment and Enterprise Plan through developing employment and training initiatives including apprenticeships for the benefit of residents and businesses
- £5,000 towards the monitoring of the Travel Plan
- £2,431 towards the monitoring of the agreement

Officers have agreed to the phasing of the S106 payments by the applicant in recognition of its charitable status.

Other material planning considerations

None

3. COMMENTS ON GROUNDS OF OBJECTIONS

The concerns raised have been addressed in the considerations above.

4. EQUALITIES AND DIVERSITY ISSUES

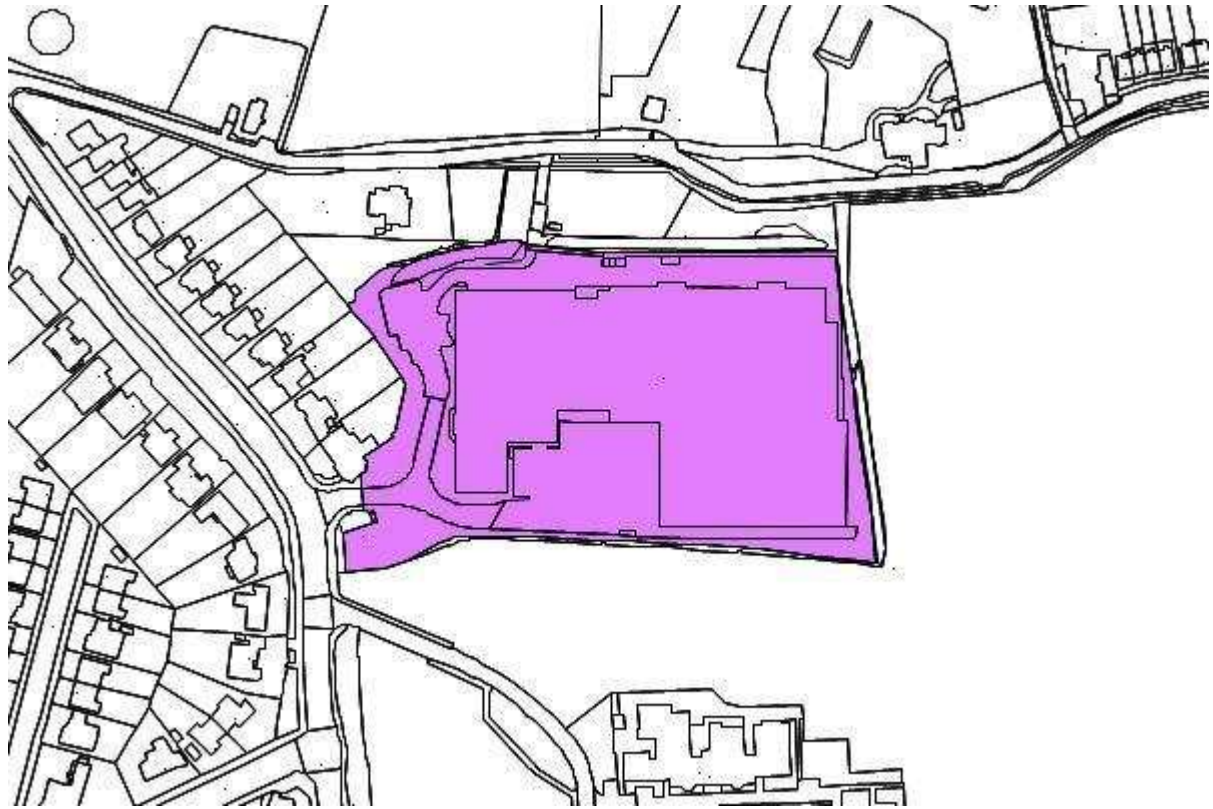
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **Approval** subject to conditions and a Section 106 legal agreement.

SITE LOCATION PLAN: Ibsa House, The Ridgeway, London, NW7 1RN

REFERENCE: H/00807/14



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