

LOCATION: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
REFERENCE: F/01320/12 **Received:** 05 April 2012
 Accepted: 13 April 2012
WARD: Garden Suburb **Expiry:** 13 July 2012

**Final
Revisions:**

APPLICANT: BDW Trading Limited & The Chandos Lawn Tennis Club Limited
PROPOSAL: Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.

APPROVE SUBJECT TO REFERRAL TO THE GREATER LONDON AUTHORITY (GLA) FOR CONSIDERATION BY THE MAYOR FOR LONDON.

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 **Energy Efficiency Commitments** **£570.00**
As the percentage energy efficiency savings level of carbon dioxide savings is below the 25% target in the London Plan Policy 5.2, the energy contribution to offset this of £19 per annum over a 30 year period has been committed to.

- 4 **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.

- 5 **Monitoring of the Agreement** **£278.50**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

Community access strategy to include the following terms:

- Liaising with a nominated local school, within the East Finchley or Garden Suburb wards, willing to partner with Chandos to develop a programme whereby a Chandos tennis coach spends at least five hours a week during the whole of the school summer term providing free coaching at the school. The cost of such a coach would be at current rates around £35 per hour. The aims would include ensuring that:
 1. Children at the school play tennis, keep fit and learn skills, all in an environment where there is a proper code of sporting conduct, fair play and respect for the opponent;
 2. Talent is identified and nurtured; and
 3. The children of that school are encouraged to play tennis at Chandos.
- In order to further encourage the school children to play tennis at Chandos and further their tennis career, Chandos would provide ten school children, selected on the criteria of talent and desire, with a scholarship so that each one would pay half of the standard yearly rate for a junior Chandos membership. Any three of those ten who have exceptional talent or need will be eligible for an entirely free junior membership.
- In order to ensure access to the club for junior members, the tennis club has agreed that at all times there will be 100 junior memberships on offer at not more than the current rate of £120 per annum subject to an annual increase of not more than any proportional increase in the senior membership rate for that year.
- The club would make available four of the courts, the car park and part of the clubhouse for charities to run open days on not less than two days in any calendar year.
- Chandos would host organised tennis tournaments for members of the club and non-members who are also LTA registered members (or members of an equivalent tennis organisation of a similar kind), such tournaments to take place on no less than five days in any year.
- Chandos is to make available access on at least two tennis courts during the summer (1 May - 30 September) for not less than six hours each during school hours for every week of a school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.
- Chandos is to make available access on at least two tennis courts between 1 October and 30 April for not less than four hours each during school hours for every week of the school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management and Building Control approve the planning application reference: F/01320/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0000 rev D, 3001 rev G, 3002 rev F, 3003 rev E, 3010 rev D, 3011 rev D, 3020 rev D, 3152 rev G1, 3153 rev G, 3162 rev G, 3164 rev D, 4040 rev F, 4055 rev G, 4100 rev G, 4120 rev C, 4121 rev C, 4150 rev D, 4152 rev D, 4160 rev D, 4200 rev D, 4205 rev D, 4300 rev D, 4351 rev D, Air Quality Assessment, Aboricultural Impact Assessment, Aboricultural Survey, Chandos LTC Sequential Test Assessment, Design and Access Statement, Extended Phase 1 Habitat Survey, Foul Drainage and Utilities Statement, Heritage Impact Assessment, Updated Initial Bat Survey, Light Obtrusion report, Noise Impact Assessment, Planning Statement, Statement of Community Involvement, Surface Water Drainage Strategy, Sustainability and Energy Statement, Transport Assessment, Transport Assessment Addendum and PERS Audit, Energy Statement Addendum.

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. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas 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 visual amenities of the site and wider area and to ensure that the building is constructed 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) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

4. The premises shall be used for a private members tennis club and no other purpose (including any other purpose in Class D1 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.

5. Notwithstanding the plans submitted, before development commences, car and cycle parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

6. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

8. Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

9. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development 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).

10. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development 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.

11. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development 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.

12. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the club house, changing facilities and tennis courts 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.

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.

13. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified in the adopted Sustainable Design and Construction Supplementary Planning Document (2013). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

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).

14. 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).

15. The development hereby approved shall not be occupied until the existing redundant crossover(s) is reinstated to footway by the Highway Authority at the applicant's expense.

Reason:

To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with the policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

16. Before the club house hereby permitted is constructed written details of the proposed green roof for the club house shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

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).

17. 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 any neighbouring property which existed at the time of this decision notice. 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 any existing neighbouring property at the time of this decision notice.

Reason

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

18. Before the development hereby permitted is occupied secure cycle parking facility as shown on Drawing No. A/CHTC 3152 rev G1 shall be provided before the development is occupied.

Reason:

To ensure that cycle 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.

19. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter shall be maintained as such.

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 6.13 of the London Plan (2011) and Policy DM17 of Barnet's Local Plan (Development Management Policies).

20. 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.

21. The branches shall be pruned in accordance with the recommendations in British Standard BS3998: 2010 *Tree work – Recommendations*.

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 7.21 of the London Plan 2011.

22. A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. 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 occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

23. The use hereby permitted shall not be open before 7am or after 11pm on weekdays and Saturdays or before 7am or after 10pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

24. Tennis shall not be played before 7am or after 11pm on the indoor courts and before 7am or after 9.30pm (summer) or before 7am or after 9.30pm (winter) on the outdoor courts.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

Informative:

For the purposes of this condition summer is defined as the period during which British Summer Time operates.

25. The floodlights for the outdoor courts hereby permitted shall not be operated before 7am or after 9.30pm on weekdays and Saturdays or before 8am or after 9.30pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

26. The club house facilities hereby approved shall be ancillary to the use of the premises as a tennis club and shall not be let or hired for private or public functions or be made available to non-club members .

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

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
- The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional

units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £36.04 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a **£96,594.41** payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £0 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing or charitable relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

3. The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

4. Any provision of a new crossover or modification to the existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations, Crossover Team as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations, Crossover Team, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
5. Please ensure that appropriate dropped kerbs are provided for the pedestrian access and that the appropriate markings are provided on the access road to inform the vehicle drivers of the pedestrian crossing point.

RECOMMENDATION III

That if an agreement has not been completed by 18/02/2014, that unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application F/01320/12 under delegated powers for the following reasons:

1. The development would require a section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the costs of monitoring the traffic assessment scheme contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.
2. The development would require a section 106 and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the costs of the commitment to the energy efficiency savings level of carbon dioxide be contrary to policy DM05 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policy CS13 of the Local Plan Core Strategy (Adopted) 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in

favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan July 2011:

Policies 3.19, 5.2, 6.13, 7.1, 7.4, 7.17

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.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Barnet's Local Plan (Adopted) September 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS10, CS11, CS13

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM14, DM15, DM17

Relevant Supplementary Planning Documents:

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (May 2013), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Local Plan, and sets out how sustainable development will be delivered in Barnet.

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

Site Address: Finchley Manor Garden Centre 120 East End Road London N2 0RZ
Application Number: C16534B/06
Application Type: Material Minor Amendment/Vary Condition
Decision: Refuse
Decision Date: 18/09/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Variation of Condition 9 of planning permission reference C01315H dated 03.02.1987 to allow growing, wholesaling, distribution and retailing of plants, trees, shrubs and garden requisites as well as the sale of associated garden products, gardening books, pictures, DVD's, outdoor clothes, garden clothing, protective footwear, patio furniture, conservatory furniture and furnishings, garden ornaments including wooden toys and animals, a fresco dining items, Christmas trees, Christmas lights, Christmas decorations, Christmas candles, crackers and nativity scenes for the months of November and December. Additional retail use (Class A1) in part of existing detached building adjoining north western boundary for the sale of greeting cards, pictures, children's toys, non-gardening books, CD's, DVD's, toffees and sweets, drinks and snacks for consumption off the premises.**
Case Officer: Karina Conway

Site Address: Finchley Manor Nurseries 120 East End Road London N2 0RZ
Application Number: C16534/06
Application Type: Full Application
Decision: Refuse
Decision Date: 31/03/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from Gardens Centre (Sui Generis) to retail (class A1).**
Case Officer: Karina Conway

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
Application Number: C16534A/06
Application Type: Full Application
Decision: Refuse
Decision Date: 25/07/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing building and erection of new building comprising Class B1 office space and one Class A1 retail unit.**
Case Officer:

Site Address: Finchley Manor Garden Centre East End Road London N2 0RZ
Application Number: C16534E/07
Application Type: Full Application
Decision: Refuse
Decision Date: 30/09/2008
Appeal Decision: Withdrawn
Appeal Decision Date: 30/09/2008
Proposal: **Conversion of existing buildings to form medical centre. Demolition of**

**glass houses to form gardens with single storey day visitor centre.
Formation of 41 car parking spaces.**

Case Officer: Karina Conway

Site Address: Finchley Manor Garden Centre 120 Eastend Road Finchley London N2 ORZ

Application Number: C16534F/07

Application Type: Material Minor Amendment/Vary Condition

Decision: Refuse

Decision Date: 28/01/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Variation of Condition 9 of planning permission reference C01315H dated 03.02.1987 to allow growing, wholesaling, distribution and retailing of plants, trees, shrubs and garden requisites and associated garden products, gardening books, pictures, DVD's, gardening gloves, gardening aprons and wellington boots, patio furniture, garden ornaments including wooden toys and animals, Christmas trees, Christmas lights, Christmas decorations, Christmas candles, crackers and nativity scenes for the months of November and December. Additional retail use (Class A1) in part of existing detached building adjoining north western boundary for the sale of greeting cards, pictures, toffees and sweets, and drinks and snacks for consumption off the premises.**

Case Officer: Karina Conway

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 ORZ

Application Number: F/02672/08

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 18/09/2008

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Conversion of existing buildings to form medical centre. Demolition of glass houses to form gardens with single storey day visitor centre. Formation of 41 car parking spaces.**

Case Officer: Fabien Gaudin

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 ORZ

Application Number: F/04665/09

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 17/03/2010

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Demolition of existing buildings and erection of a one storey building (with additional accommodation in basement) for use as a medical centre together with formation of 49 car parking spaces within landscaped forecourt.**

Case Officer: Fabien Gaudin

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 ORZ

Application Number: F/02460/09

Application Type: Full Application

Decision: Refuse

Decision Date: 15/10/2009

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Demolition of existing buildings and erection of a one storey building (with additional accommodation in basement) for use as medical centre together with formation of 41 car parking spaces within landscaped forecourt.**

Case Officer: Fabien Gaudin

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
Application Number: F/01320/12
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.**
Case Officer: Junior C. Moka

Site Address: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ
Application Number: F/01405/12
Application Type: Conservation Area Consent
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works. (CONSERVATION AREA CONSENT)**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 266
Replies: 5
Neighbours Wishing To Speak 0

Of the five replies received one letter of objection related to the proposed redevelopment of the site in Chandos Way.

Two letters of objection and one with comments were received which raised the following concerns:

- Inappropriate development within a conservation area.
- Over intensive use of the site.
- Increased traffic for a narrow section of East End Road.
- Medical/garden centre is a much more appropriate use of this site.
- Concerns regarding potential parking on the road, residents would not want a repeat of what happens around LA fitness - more parking should be provided on site.
- Some of the facilities should be made available for community use.

Two letters of support were received which made the following points:

- The area could do with sport and social facilities and the use is much better than another block of flats.
- The current garden centre is an eyesore and has a negative impact on the area.

Internal /Other Consultations:

Greater London Authority -
No objections following receiving additional information

Natural England -
No objections

Urban Design & Heritage -
No objections

Environment Agency -
No objections

English Heritage -
No objections

Hampstead Garden Suburb Trust -
No objections

Date of Site Notice: 19 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is situated on the south side of East End Road adjacent to St Marylebone Cemetery and has an area of 0.7 hectares. The site is currently occupied by a disused garden centre and is covered almost entirely by hard standing or buildings. There are four main buildings on the site: a house (occupied); a large greenhouse (largely derelict); a boiler house building (largely derelict); and two outbuildings. All are in a dilapidated state.

Along the northern boundary of the site, fronting onto East End Road, runs a Grade II listed wall and railings. There is a break towards the centre of the wall which currently provides the vehicular access to the site. Furthermore there are a number of listed buildings and features in close proximity to the site including the Gate Lodge, the Anglican Chapel and the Monument to Thomas Tate (all Grade II listed) within the adjoining cemetery and on the opposite side of the road the Convent of the Good Shepherd (also Grade II listed). The cemetery itself is Grade II* listed under the Historic Parks and Gardens register.

The site is designated as Metropolitan Open Land (MOL) and is situated along the boundary with the Hampstead Garden Suburb Conservation Area. The site itself is not within the Conservation Area but it is surrounded by it. The site falls within Flood Risk Zone 1, which means that there is a low risk of the site flooding. The adjoining cemetery is also designated as MOL and a Site of Local Importance for Nature

Conservation. The cemetery also contains a number of trees and groups of trees that are the subject of Tree Preservation Orders.

The site has a public transport accessibility level (PTAL) of 1b (out of a range of 1 to 6, where 6 is the highest and 1 the lowest).

The area surrounding the Garden Centre site is predominately residential in character, with the Hampstead Garden Suburb to the south, and residential uses on the opposite side of East End Road, to the north. The residential accommodation in the area is characterised by large detached and semi-detached family houses, particularly within the Hampstead Garden Suburb Conservation Area, with some more recent flatted developments located immediately opposite the site providing 2 and 3 storey buildings for D1 and B1 uses with basement parking. There are also a number of community uses and sports facilities in the immediate area, including Finchley Cricket Club and LA fitness Centre to the north east, as well as several schools and colleges and the crematorium and cemetery to the south of the site.

Proposal:

The application is for the relocation of the Chandos Lawn Tennis Club which is currently located on Chandos Way within the same ward. The proposal is that the club's current site will be redeveloped for housing once a replacement new facility is constructed at this site. The Chandos Way site is subject to a separate planning application (ref: F/01319/12).

The development description of the proposal is:

Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full-sized open clay court, four full-sized covered courts, one open mini-court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.

A separate application for Listed Building Consent (ref: F/01405/12) has been submitted for:

Relocation of gate on the listed north boundary wall and associated reinstatement and repair works.

The application site is approximately 24% smaller than the current Chandos Way site. However, the aim of the proposal is to reprovide the same facilities albeit in a more efficient layout.

The proposal will provide:

- 4 full sized covered acrylic courts;
- 4 synthetic outdoor clay courts;
- 1 synthetic outdoor mini clay court;
- a single storey club house with sedum roof;
- surface parking for 41 cars (including 4 for blue badge holders); and
- changes to entrance gate and railings.

The Lawn Tennis Association (LTA) have a number of set requirements regarding the layout and location of tennis courts which have predicated how the site could be laid out. In particular external tennis courts are required to be positioned in a north-south orientation and achieve a minimal size.

The four full-sized open clay tennis courts will be situated towards the front of the site, with parking and landscaping to the front of them which will create a buffer between the courts and the northern boundary of the site. These courts will be floodlit for use on winter afternoons and evenings.

The proposed covered courts would be located at the rear of the site. The rear boundary would be formed by the existing boundary wall that forms both the boundary for the adjoining cemetery and the Hampstead Garden Suburb Conservation Area. The proposal will utilise the metre drop in levels between the cemetery and the site, enabling the courts to be sunk into the ground by 1m. The courts will be under the cover of a permanent, purpose built, white PVC/PTFE fabric canopy. The LTA require a minimum clear height of 9m across the net for covered courts and the proposal has been designed to achieve this with the minimum height possible. To the east of the covered courts will be a further mini open synthetic clay court.

Separating the open and covered courts, will be a single storey flat roofed club house with a footprint of approx 567sqm. The clubhouse will consist of two blocks linked by an open sided entrance area. The changing block will accommodate members changing facilities and a plant room. The club block will accommodate an office and meeting room and a flexible lounge space and kitchen. The clubhouse will have an overall length of approx 118m; a width of 8m and a height of 4m.

41 on site car parking spaces will be provided along the northern and eastern sides of the site. Four of these spaces are for blue badge holders and are situated closest to the clubhouse entrance. 26 secure cycle storage spaces are also proposed adjacent to the changing block.

A new vehicular access to the site is to be created off East End Road, at the most north-westerly part of the site. This will involve the creation of a new gated entrance to the site in the Grade II listed front boundary wall, removing the listed railings of the eastern most section and closing the gap where the current access gate is situated.

Planning Considerations:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area.

The main issues are considered to be:

- Impact on Metropolitan Open Land
- Impact on adjoining land (in particular the Hampstead Garden Suburb Conservation Area and adjoining Listed Buildings)
- Loss of employment use
- Highway safety and parking provision
- Impact on the street scene

- Impact on the residential amenity of adjoining properties
- Sustainable design and construction
- Community access

Impact on Metropolitan Open Land (MOL)

MOL is defined as major open spaces that are within the urban area that have more than borough wide significance for their contribution to recreation, leisure and visual amenity, and which receive the same presumption against development as the Green Belt. MOL performs three valuable functions; protecting open space to provide a clear break in the urban fabric and contributing to the green character of London; protecting open space to serve the needs of Londoners outside their local area; and protecting open space that contains a feature or landscape of national or regional significance.

Adopted planning policy requires that MOL is to be protected as a permanent feature, any changes should be exceptional and made through the development plan process. Development that involves the loss of MOL in return for the creation of new open spaces elsewhere will not be considered appropriate. Essential facilities for appropriate uses will only be considered appropriate where they do not have an adverse impact on the openness of MOL.

The NPPF sets out that new buildings are inappropriate in the Green Belt. Some exceptions to this include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

There is no definition of 'openness' in the NPPF or elsewhere. In general openness comprises the physical effects of development and its visual impact on the extent to which development can be seen. Thus, openness tends to be defined by footprint, mass and views which must be considered as a whole.

The London Plan and the Council's adopted Local Plan contain policies relating to development in MOL (London Plan Policy 7.17 and Local Plan policies CS NPPF, CS1, CS7, DM15). The adopted Local Plan advocates that applications for inappropriate development will have to demonstrate very special circumstances before the presumption against them is overridden. Where such special circumstances are proven, it will be treated as a departure from the development plan and referred to the Secretary of State.

Although the site is located within MOL, it has a significant amount of built form including large glass houses to the rear and two 2-storey buildings around the forecourt. Furthermore, the majority of the front forecourt has been hardsurfaced. It is therefore considered that the removal of the greenhouses would significantly contribute towards the opening up of the MOL and that the proposed landscaping would enhance this part of the site as well as views from surrounding sites. It is considered that proposed buildings have been designed in such a way as to minimise their bulk and mass to sit sensitively within the site thereby minimising its impact and retaining the 'openness' of the area in accordance with the principles of MOL and would not impact further on the openness of the MOL than the existing use.

Furthermore, given that the use of land is for a tennis club and club house i.e. sports facilities, the development has the potential be considered appropriate development for the purposes of MOL.

The proposed development on this matter is therefore considered to comply with national, London Plan and Local policies.

Impact on adjoining land (in particular the Hampstead Garden Suburb Conservation Area and adjoining Listed Buildings)

The rear boundary of the site forms the boundary of the Hampstead Garden Suburb Conservation Area and therefore whilst the site is not within a conservation area Local Plan Policy DM06 requires that the impact of the proposal on the character and appearance of the Conservation Area needs to be assessed. It is considered that the situation would be enhanced as a result of the current proposals replacing a collection of institutional dilapidated buildings with a holistically designed complex of buildings that have been designed to reflect both their use and setting. The buildings would be of a comparable scale to the existing buildings and the material proposed would reflect the location and use of the building. The landscaped setting and boundary treatment along the edges of the site are considered to enhance the setting of the building. The proposal is therefore considered to comply with the requirements of the NPPF and Policy DM06 of the adopted Local Plan.

The adjoining St Marylebone cemetery forms part of a conservation area but also contains a number of grade II listed buildings and itself is a grade II* listed park. The existing buildings on the site have minimal architectural value and would be removed as a result of the proposals. The site boundary adjoining the cemetery has the benefit of an established mature vegetation screen which would be retained as part of the proposals and would therefore minimise views into the site. To further minimise the visual impact of the proposed development when viewed from the cemetery, the covered tennis courts are to be sunken by 1m to reduce their height and scale. The single storey clubhouse and storage building are to be set back from the East End Road boundary so as to not detract from views towards the adjoining listed lodge. The clubhouse, whilst contemporary in style, is considered to be sensitive to and complement the historic context of the surrounding Conservation Area and listed buildings. Furthermore, the proposal would result in the restoration of the street frontage railings, to match the originals and the similar, listed treatment on the cemetery frontage.

The proposals are therefore considered to be in accordance with the requirements of the NPPF and policies CS1 and DM06 of the adopted Local Plan in that they will have a minimal impact on the surrounding designated heritage assets and will improve the appearance of the site, and the setting of the conservation area..

Loss of employment use

Although currently vacant the last use of the site was as a garden centre and therefore Policy DM14 of the adopted Local Plan needs to be considered. Whilst Policy DM14 relates to the retention of B class uses and a Garden Centre is classified as Sui Generis (without a class) as the use involved the employment of people at the site, elements of the policy are applicable and need to be considered when determining this application.

Whilst the proposed use would not fall within a B Class use it would fall within class D2 (assembly and leisure). People will be employed at the site including staff within the club house; coaches; grounds staff etc. The proposal is therefore considered to maintain an employment use at the site and as a result is considered to comply with the requirements of Policy DM14.

Highway safety and parking provision

It is proposed that the existing vehicular site access on East End Road will be removed as part of the development proposals and a new access will be created on the northwest corner of the site. The new access will be wider than the existing one and will consist of a bell mouth arrangement to improve visibility between pedestrians flow on the footway and vehicles emerging from the site.

It is proposed to provide 41 car parking spaces on site and a total number of 26 cycle parking spaces in the form of Sheffield Stands will be provided. The cycle facilities should be secured covered and can be easily accessed by cyclists to ensure it would fully comply to London Plan Policy 6.9 - Cycling and a condition to secure this is recommended.

TfL officers consider that the proposed level of disabled parking and electrical charge point provision confirmed in the report, as well as the level of on site parking provision overall, when considering the club's increased usage on event days, to be acceptable and in compliance with London Plan policy. Further, the scope of the submitted PERS Audit was agreed with TfL officers prior to undertaking the audit, and officers confirmed that no contribution would be sought from TfL relating to PERS matters.

In terms of public transport impact, given the nature and location of the proposal, TfL accepted that the anticipated increase in demand for passenger transport services resulting from the proposal would be insignificant.

The proposal is therefore considered to conform with the requirements of the London Plan and Policy DM17 of the adopted Local Plan.

Impact on the street scene

Good design is central to all objectives of the NPPF, London Plan (2011) and Local Plan.

The requirements of NPPF, states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large scale building, built heritage and World Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbouring (policy 7.4).

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 proposal provides a well designed tennis club. The proposed clubhouse would have floor to ceiling glazing and timber boards on the external facades. A neutral colour scheme is proposed and the overall appearance of the building would be modern but sympathetic to its surroundings. The roof of the clubhouse is to include a sedum green roof. The proposed court covers would be of a white, lightweight PVC/PTFE fabric which is designed to be durable. The covers are of a bespoke design with the two ends of the covered courts being translucent allowing views through the courts. The external courts would have a natural clay surface and will be surrounded by soft landscaping and box hedging to screen the facilities.

As outlined previously the adjoining St Marylebone cemetery forms part of the Hampstead Garden Suburb Conservation Area and also contains several listed buildings. Existing buildings on the site are considered to have minimal architectural value and would be removed as a result of the proposal. The surrounding cemetery land, which is generally open although punctuated by mature trees, is Metropolitan Open Land (MOL) and is therefore of strategic importance. In this case, given the open character of the affected land and views towards the site, heritage and MOL views considerations are similar.

The views assessment submitted with the application demonstrates that the proposals would not obscure views of important listed structures, from both inside the MOL, and from surrounding public viewpoints. The proposed roof of the covered tennis courts would be the most visible structure, and would appear incongruous in some views from within the cemetery. However, it is considered that the structure's impact is mitigated through the choice of materials and vegetation. The fabric roof of the structure would have a light colour that is likely to be more visible on clear days, but less so when overcast.

Within the site, the layout would be effective and accommodate a similar number of facilities to those found on the club's existing site, even though the application site would be arranged in accordance with the Lawn Tennis Association's guidance. The restoration of the street frontage railings, to match the originals and the similar, listed treatment on the cemetery frontage, is welcomed. Although there would be removal of a small number of reasonably healthy mature trees, the remaining trees and enhanced planting around the site is likely to reduce this impact.

As such the development is considered not to raise any design and openness issues and is considered to be acceptable in this respect.

Impact on the residential amenity of adjoining properties

Whilst the site is located within the Garden Suburb ward it has the benefit of being relatively isolated from adjoining residential properties. With the exception of the Lodge at St Marylebone Cemetery the nearest residential buildings (Thomas More

Way/124 East End Road) are approx 100m away. If Members are minded to approve the application conditions restricting hours of opening; hours of use of the proposed floodlights and sound level conditions are recommended.

The proposals are therefore not considered to detrimentally harm the amenity of existing residents in accordance with national and strategic guidance and Policies DM01 and DM02 of the adopted Local Plan

Climate Change

Development Management Policy DM04: Environmental Considerations for Development and Core Strategy Policy CS13: Ensuring the efficient use of natural resources highlights that reducing carbon dioxide (CO₂) emissions, adapting to future climate change, ensuring resource use is kept within acceptable levels, promoting biodiversity and improving quality of life are all key objectives for Barnet.

The London Plan climate change policies set out in Chapter 5 collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 'minimising carbon dioxide emissions' sets out an energy hierarchy for assessing applications, London Plan Policy 5.3 'Sustainable design and construction' ensures future developments meet the highest standards of sustainable design and construction, and the London Plan Policies 5.9 – 5.15 promote and support effective adaptation to climate change. Further detailed policies on climate change mitigation and adaptation are found throughout Chapter 5 and supplementary guidance is also given in the London Plan sustainable design and construction SPG.

Barnet Council has an aspiration for the development to comply with Section 5.2B of the London Plan (July 2011), and achieve a reduction in carbon dioxide emissions of 25%.

The design team have maximised the use of measures to minimise carbon dioxide emissions for the Chandos Tennis Centre, in line with the Mayor of London's Energy Hierarchy, 'Be Lean, Be Clean, and Be Green.

However, these measures do not achieve the 25% threshold. A maximum of 4.1% has been calculated from the modelling carried out during design stage, through measures summarised in the table below:

Hierarchy stage	Design Measures	Reduction in Tonne CO₂/m² emissions and %reduction Chandos Tennis Club (excluding occupant energy use)
'Be lean'	Improved building thermal envelope Natural ventilation strategy	0.0012 Tn CO ₂ / m ² 0.35 tonnes/year 1.74 % reduction
'Be clean'	Gas-fuelled condensing boiler, Low temperature terminal units and distribution	0.0003 Tn CO ₂ / m ² 0.08 tonnes/year 0.41 % reduction

'Be green'	Solar thermal array Photovoltaic array	0.0013 Tn CO ₂ /m ² 0.38 tonnes/year 1.14 % (solar thermal) 0.77 % (PV)
TOTAL	0.0027 Tn CO ₂ /m ² 0.811 tonnes/year	4.1% reduction

As agreed by the GLA and accepted by the Local Planning Authority, although the energy figures didn't quite meet with the 25% savings required, a financial energy contribution of £19 per annum over a 30 year period so £570 has been accepted by the applicant. This is to be secured by means of a Section 106 agreement.

Community Access

The London Plan Policy 3.19 Sports Facilities sets out that proposals for new or enhanced sports facilities will be supported. As such the proposed use is considered acceptable in principle.

Policy CS10 advocates that the Council will work to ensure that community facilities are provided for Barnet's communities. Policy DM13 expands on this by stating that new community uses should be easily accessible to users. Whilst the current Chandos tennis club is a private members club as part of these proposals it is proposed that the facilities will be made available to the wider community in the following ways:

- Liaising with a nominated local school, within the East Finchley or Garden Suburb wards, willing to partner with Chandos to develop a programme whereby a Chandos tennis coach spends at least five hours a week during the whole of the school summer term providing free coaching at the school. The cost of such a coach would be at current rates around £35 per hour. The aims would include ensuring that:
 1. Children at the school play tennis, keep fit and learn skills, all in an environment where there is a proper code of sporting conduct, fair play and respect for the opponent;
 2. Talent is identified and nurtured; and
 3. The children of that school are encouraged to play tennis at Chandos.
- In order to further encourage the school children to play tennis at Chandos and further their tennis career, Chandos would provide ten school children, selected on the criteria of talent and desire, with a scholarship so that each one would pay half of the standard yearly rate for a junior Chandos membership. Any three of those ten who have exceptional talent or need will be eligible for an entirely free junior membership.
- In order to ensure access to the club for junior members, the tennis club has agreed that at all times there will be 100 junior memberships on offer at not more than the current rate of £120 per annum subject to an annual increase of not more than any proportional increase in the senior membership rate for that year.
- The club would make available four of the courts, the car park and part of the clubhouse for charities to run open days on not less than two days in any calendar year.

- Chandos would host organised tennis tournaments for members of the club and non-members who are also LTA registered members (or members of an equivalent tennis organisation of a similar kind), such tournaments to take place on no less than five days in any year.
- Chandos is to make available access on at least two tennis courts during the summer (1 May - 30 September) for not less than six hours each during school hours for every week of a school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.
- Chandos is to make available access on at least two tennis courts between 1 October and 31 April for not less than four hours each during school hours for every week of the school term so as to be used by such nominated local school(s) within the East Finchley or Garden Suburb wards who are prepared to partner with Chandos.

The proposal is therefore considered to enhance community sport provision within the East Finchley area in accordance with the requirements of the NPPF, the London Plan and the adopted Local Plan.

Environmental Impact Regulations (EIA 2011)

The application proposals have been assessed against the environmental impact of the development in accordance with the Environmental Impact Assessment Regulations 1999 as EIA development. A screening opinion concluded that an Environmental Impact Assessment (EIA) was not required.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These have been considered in the planning appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

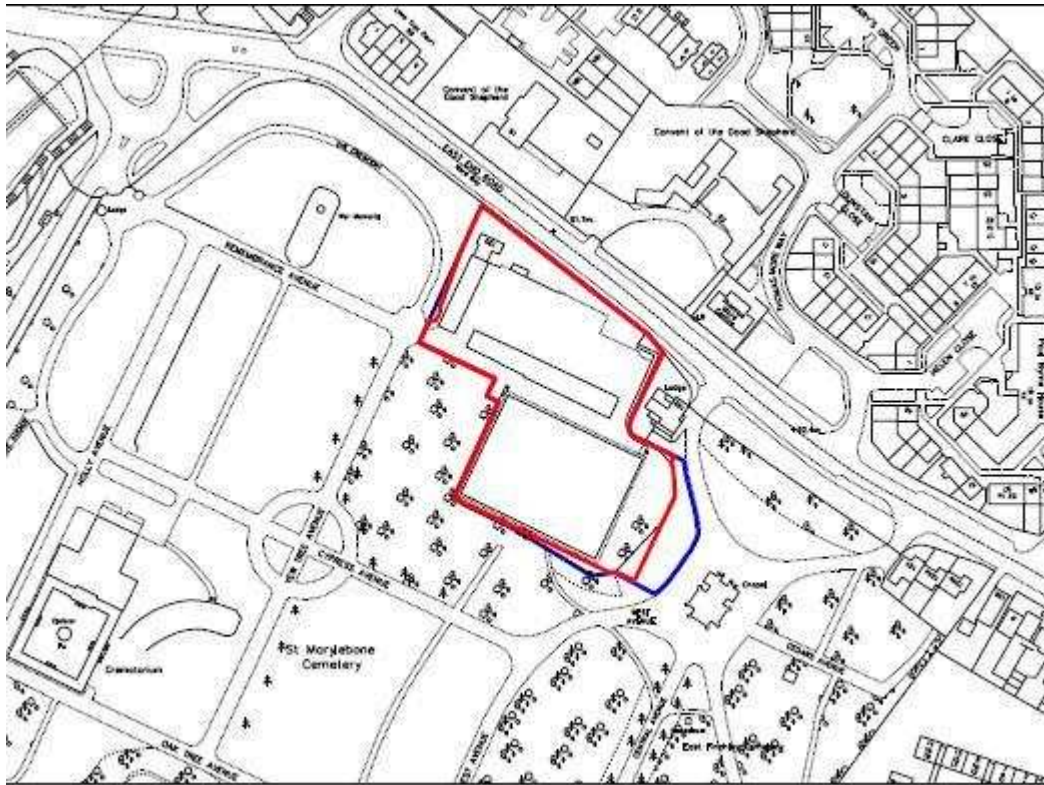
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposals are considered acceptable because of very special site specific circumstances which include the removal of a significant amount of built form (greenhouses), the reduction in the overall amount of hardstanding on site, significant improvements to landscaping and the openness of the land and limited increase in traffic. The proposed building would result in a suitable addition to the site which would blend in effectively with open character. On balance and based on those very special circumstances, the proposals would improve the openness of this particular MOL site without any significant demonstrable harm to the area. The proposals are acceptable on Highways Grounds subject to conditions. **APPROVAL** is recommended.

SITE LOCATION PLAN: Finchley Manor Garden Centre, 120 East End Road, London, N2 0RZ

REFERENCE: F/01320/12



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