

LOCATION: Avenue House, 17 East End Road, London, N3 3QE
REFERENCE: F/01251/14 **Received:** 05 March 2014
Accepted: 06 March 2014
WARD(S): Finchley Church End **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 eills 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 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 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

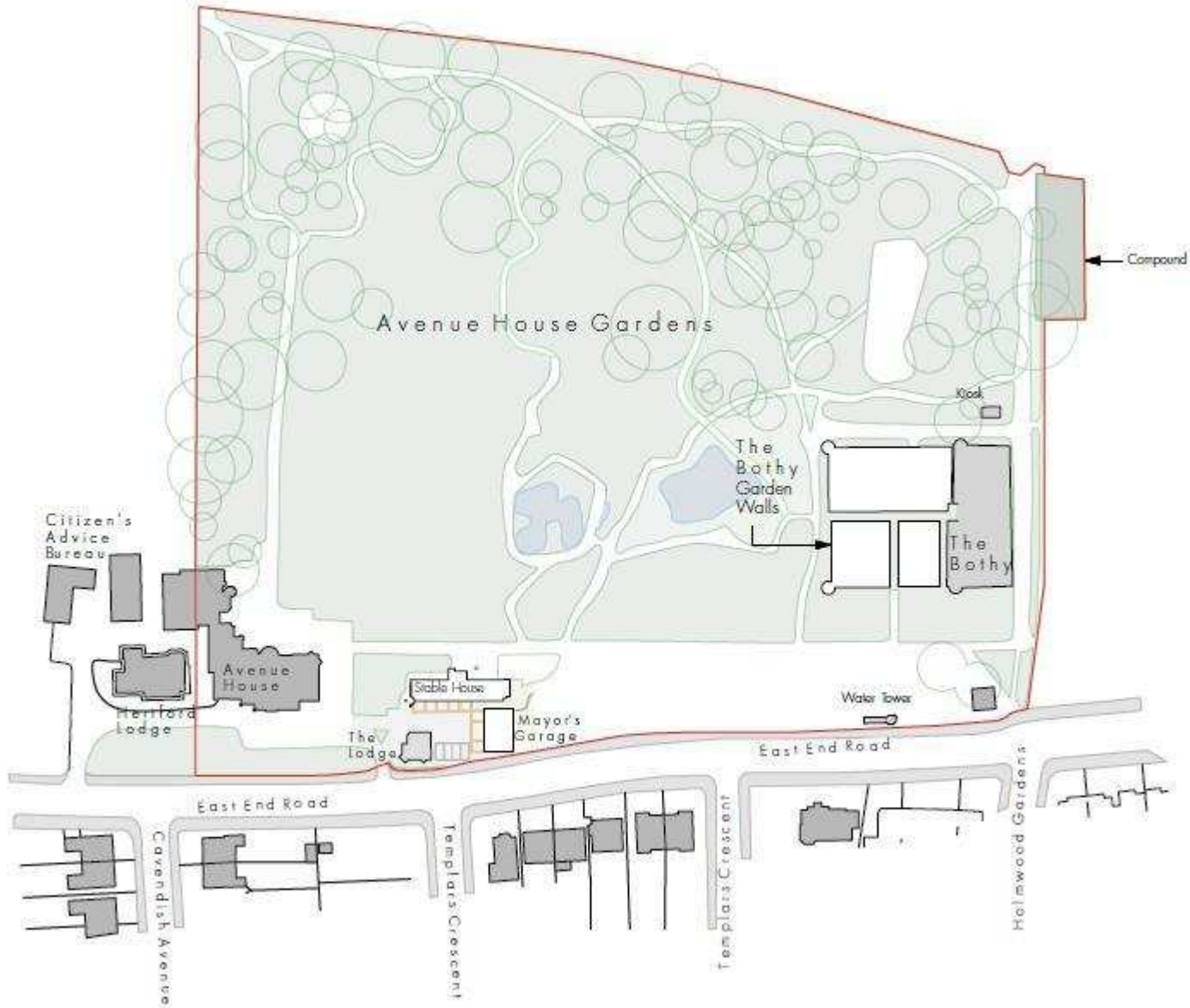
Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the listed building and protect the character of this part of the Finchley Church End Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities 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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