

Location **101 Byng Road Barnet EN5 4NS**

Reference: **16/5151/FUL**

Received: 4th August 2016

Accepted: 16th August 2016

Ward: High Barnet

Expiry 15th November 2016

Applicant: Noah's Ark Children's Hospice

Proposal: Development of new children's hospice (Class C2) within a single storey building plus lower ground floor with car parking and ancillary development

Recommendation: Approve following legal agreement

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

Existing Site Location Plan by Squire & Partners, Dwg. No. 15032_JA12_P_00_001

Demolition plan by Squire & Partners, Dwg. No. 15032_JA12_P_00_002

Proposed Site Location Plan by Squire & Partners, Dwg. No. 15032_G100_P_00_001

Proposed East Site Elevation by Squire & Partners, Dwg. No. 15032_G100_E_E_001

Proposed Ground Floor Plan by Squire & Partners, Dwg. No. 15032_G200_P_00_001

Proposed Lower Ground Floor Plan by Squire & Partners, Dwg. No. 15032_G200_P_LG_001

Proposed Roof Plan by Squire & Partners, Dwg. No. 15032_G200_P_RF_001

Proposed East Elevation by Squire & Partners, Dwg. No. 15032_G200_E_E_001

Proposed North Elevation by Squire & Partners, Dwg. No. 15032_G200_E_N_001

Proposed South Elevation by Squire & Partners, Dwg. No. 15032_G200_E_S_001

Proposed West Elevation by Squire & Partners, Dwg. No. 15032_G200_E_W_001

Proposed Building Section by Squire & Partners, Dwg. No. 15032_G200_S_001

Proposed Bay Study 01 by Squire & Partners, Dwg. No. 15032_G251_E_AL_001

Proposed Bay Study 02 by Squire & Partners, Dwg. No. 15032_G251_E_AL_002

Proposed Bay Study 03 by Squire & Partners, Dwg. No. 15032_G251_E_AL_003

Proposed Bay Study 04 by Squire & Partners, Dwg. No. 15032_G251_E_AL_004

Proposed Bay Study 05 by Squire & Partners, Dwg. No. 15032_G251_E_AL_005

Proposed Bay Study 06 by Squire & Partners, Dwg. No. 15032_G251_E_AL_006

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 is first occupied or the use first commences the parking spaces/garages indicated on Drawing No. Proposed Site Location Plan by Squire & Partners, Dwg. No. 15032_G100_P_00_001 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 8 The premises shall be used for a Children's Hospice only and no other purpose (including any other purpose in Class C2 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 and the use as a children's hospice constitutes a very special circumstance which means the proposal is acceptable in principle in green belt terms.

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall 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 content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

12 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

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

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

- 14 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 15 a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.
- b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 16 Before the development is occupied a full Travel Plan shall be submitted and to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan co-ordinator. No development shall take place until details of the arrangements to meet the obligation for monitoring the development to ensure the objectives of the Travel Plan are met.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with Policy DM17 of the Development Management Policies DPD and Policy CS9 of the Local Plan Core Strategy (adopted September 2012).

- 17 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

- 18 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 19 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

20 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

21 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 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 £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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.

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 CIL 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 at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Any new crossovers will be subject to detailed survey by the as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Any street furniture, road markings or parking bays affected by the proposed works would be relocated at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 4 The applicant advised that if the development is carried out, where possible, the applicant should seek to provide appropriate pedestrian visibility splays at either side of the vehicular crossover.

Officer's Assessment

1. Site Description

The application site is located on the south western side of Byng Road and relates to previously developed land which is designated as Green Belt. There are schools and playing fields to the north east and south of the site and allotment gardens and open land further to the north.

The Friends of Barnet Environment Centre is located in the northwest of site. This building was consented as part of the previous application for the Children's Hospice now proposed as part of this application (LPA ref# B/04065/11).

The wider site (not subject of this application) is used by the Friends of Barnet and is open land. The open land has been used and landscaped by the Hertfordshire Wildlife and Countryside Centre as an educational resource and is now occupied by the Friends of Barnet who work in association with the London Wildlife Trust (LWT). This is designated in the Local Plan as of local importance to nature conservation. This part of the site is well treed, and some of the trees form two small wooded areas to the west of the site. The quality of the trees varies across the site.

The site has a built appearance as viewed from the streetscene of Byng Road and from the adjoining footpath to the south. The surrounding residents clearly see the established built form on site as the buildings cover the main frontage. The existing buildings which were demolished in the summer of 2016 were concrete and brick built and there also included portacabins and a large area of hardstanding. The existing buildings had a total floor area of 1100m².

The site levels fall from the south of the site to the north and present a difference of 3m. The main building fronting Byng Road is raised due to this levels decrease and is sited on a concrete slab to keep the building on one level.

2. Site History

Ref: B/00942/09

Type: Outline Application

Description: Demolition of existing buildings and erection of single storey building plus lower ground floor for use as a children's hospice (Class C2), erection of a single storey building for use as a countryside centre.

Decision: Approved

Date: 12 June 2009

Ref: B/04065/11

Type: Full application

Description: Demolition of existing buildings and erection of single storey building plus lower ground floor for use as a children's hospice (Class C2) and a new single storey countryside centre with roof terrace. Development to include the provision of 26 car parking spaces (including 4no. disabled spaces and 2no. mini bus spaces), a cycle, bin and re-cycling storage area, 3no. equipped play areas, new drainage pond, new footpath adjacent to Byng Road, new fencing and hard and soft landscaping including timber walkways.

Decision: Approve

Date: 3 February 2012

Ref: B/04816/13

Type: S73 (Minor Material Amendment)

Description: Variation to wording of conditions relating to car parking, materials, enclosures, refuse storage, ventilation and extraction equipment, noise, landscaping, tree protection, tree method statement, travel plan, landscape management plan and disabilities access statement attached to planning permission B/04065/11 (for demolition of existing buildings and erection of single storey building plus lower ground floor for use as a children's hospice (Class C2) and a new single storey countryside centre with roof terrace. Development to include the provision of 26 car parking spaces (including 4no. disabled spaces and 2no. mini bus spaces), a cycle, bin and re-cycling storage area, 3no. equipped play areas, new drainage pond, new footpath adjacent to Byng Road, new fencing and hard and soft landscaping including timber walkways). Variations to enable the phased implementation of the planning permission with construction of the countryside centre first, and to allow the addition of a new external door, the replacement of a roof light with a ventilation stack, and the installation of an external sink.

Decision: Approve

Date: 29 April 2014

3. Proposal

The applicant proposes the development of new children's hospice (Use Class C2) within a single storey building plus lower ground floor with car parking and ancillary development.

The building is a crossed shape presenting four discrete wings that protrude from a central atrium with a footprint of 1,806m². The external materials are largely proposed to be glass, brick, and timber. Car parking and vehicle service areas are largely located on the Byng Road frontage and screened from view, with the exception of an emergency vehicle access/egress toward the rear of the building.

4. Public Consultation

105 consultation letters were sent to neighbouring properties.

A site notice was erected on 25 August 2016.

A press notice was published on 25 August 2016.

4 responses have been received, comprising 3 letters of objection, 4 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- The proposed realignment of the footpath on the boundary of 99 Byng Road will increase adverse amenity impacts on this property in terms of noise and litter.
- During construction there may not be enough turning area to access the site from Byng Road without using the grass verge on the east (Christ Church School) side of Byng Road.
- It appear that delivery vehicles are proposed to be directed in from and out to St Albans Road (A1081) along Alston Road. There is a width restriction near the junction with Strafford Road making the suggested route unusable by large vehicles.
- Temporary parking restrictions should be imposed on surrounding roads to allow construction vehicles to access the site.
- The timing of refuse collection must be strictly controlled.
- There should be control of vehicles reversing into the service area of the site, ensuring that the grass verge on the east side of Byng Road adjacent to Christ Church School and its playing field is not adversely affected.

- Details of the proposed footpath along the Byng Road frontage should be made clearer.
- The loss of the Friends of Barnet Environment Centre parking area.
- Details of the drainage scheme must be fully considered.
- The proposed 1.4m high southern boundary treatments may cause security issues for the wider site, including for the Friends of Barnet Environment Centre.
- The proximity of footpaths around the building could have a detrimental impact on existing vegetation and the fauna that occupy it.
- The proximity of the "Contemplation Garden" is too close to the Friends of Barnet Environment Centre Garden.

The representations received can be summarised as follows:

- Details of compensatory planting must be made clearer.
- Details of the northern boundary hedging must be made clearer.
- The loss of the Friends of Barnet Environment Centre parking area.

5. Consultation

5.1 Greater London Authority

This application was referred to the Greater London Authority (GLA) on 2 September 2016 (Stage 1). On 10 October 2016 the GLA objected to the application on the following grounds:

- Principle of the land use due to the potential visual impact symptomatic of the proposed scale and volume of the building.
- The lack of a visual assessment that illustrates the degree of visual impact on the greenbelt.
- The lack of information that demonstrates that the building could be connected to a district heating network in the future.
- The lack of information about why additional PV panels have not been proposed.
- The BRUKL sheet appears to be erroneous and needs to be amended.

The GLA also recommended that a green roof be considered and that conditions be imposed by the LPA that secure inclusive design, electric vehicle charging points (EVCP), and appropriate flood risk management. Further, it was also recommended that a travel plan, and any shortfall in CO2 reduction is secured via other means (i.e. a s106 Agreement).

The GLA required that if Council was to resolve to approve the application that it had to be referred back to the GLA for further comment, otherwise it did not.

On 28 November 2016 the applicant responded to the GLA's concerns. The following was provided:

- A Green Belt Study by HDA to address concerns about the visual impact.
- An amended BRUKL sheet.
- Confirmation that 6 EVCPs could be provided.
- Confirmation that provision for a future connection to a district heating network would be provided.
- Additional PV panels would not be provided due to reasons of feasibility, unless external funds were made available (e.g. from Council).
- Confirmation that a green-roofed scheme was being considered.

Assessment: At the date of writing this report a full response from the GLA was outstanding. If Committee resolve to grant this application it is recommended that the application is referred back the GLA (Stage 2) for assessment.

5.2 Transport for London

Transport for London (TfL) raise no objection to the application subject to the applicant providing Electric Vehicle Charging Points (EVCPs) and the Travel Plan Coordinator monitoring the demand for cycle parking. Both these recommendations are seconded and will be controlled via conditions and a legal agreement.

5.3 Lead Flood Authority

The Lead Local Flood Authority have advised on 2 September 2016 that the flood risk is deemed acceptable, however, additional details are required about the drainage scheme. It is recommended that conditions are imposed to require the submission and approval of the drainage scheme prior to commencement.

5.4 Natural England

Natural England advised on 31 August 2016 that they had 'no comment' in relation to the application. This implies that that they do not consider that the development is likely to have a significant impact on the statutorily listed nature conservation site.

6. Planning Considerations

6.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 2016

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 2050. 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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM15, DM16, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

6.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the use would be acceptable in Green Belt
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the Green Belt
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether the proposal would constitute an acceptable flood risk
- Whether the proposal would have an unacceptable impact on Highways
- Whether the proposal would be sufficiently inclusive
- Whether the proposal would unacceptably impact upon the ecological values of the site
- Whether harm would be caused to trees of special amenity value
- Whether harm would be caused to the living conditions of nearby residents
- Whether the development would impact on public rights of way
- Whether the development has sufficient sustainability credentials

6.3 Assessment of proposals

Whether the principle of the use would be acceptable in Green Belt

Assessment: Unless there are 'very special circumstances' new buildings in the Green Belt will not normally be supported. Whilst the proposed redevelopment of the site for the Children's Hospice does not fall within one of the defined 'appropriate' Green Belt uses, neither does the existing use of the site or the extant consent that the site currently benefits from. It is therefore necessary to consider whether or not very special circumstances exist to justify the proposed Children's Hospice.

The applicant has stated that "Noah's Ark is ideally placed to fill the need for additional palliative care services for children in North London. The hospice building will provide a central hub for local charities and health and social care service providers to work effectively in partnership and provide outstanding care to children and young people and their families".

Furthermore, the applicant also finds that "...nationally and internationally recognised papers show that there is an increase in children with life limiting or life threatening conditions within our area of operations and importantly, that they will due to technology be living longer".

The principle of the 'very special circumstances' were established by the extant consent (TP REF: B/04816/13) and according to the evidence provided in support of the application the circumstances have not changed. It is therefore considered that 'very special circumstances' have been demonstrated to justify granting planning permission for the proposed development. Consequently, no objection is raised by Officers in this regard.

Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the Green Belt

Assessment: The applicant has stated that the extant consent (TP REF B/04816/13) is not necessarily reflective of current patient needs and hence has applied for planning permission for an alternate scheme. While current patient needs form part of the justification for the principle of the use and inherently inform the design, the visual impact must be considered separately as adopted Policy DM15 focuses on maintaining the openness of the Green Belt where new buildings are introduced and hence requires a design response. It should be noted that the recommendation herein has factored the extant permission has a material consideration.

It is acknowledged that the proposed buildings provide an additional 300m² of footprint or a 20% increase. However, the extant permission also features an internal courtyard, which, if factored in to the overall footprint of the building (i.e. measured to the extremities) equates to a comparable footprint. Furthermore, the volume of the proposed building increases by 597m³ or by 11%. Again, when the internal courtyard is factored for the extant consent the overall volume actually decreases by 80%. In terms of overall height, for assessing the wider impact on the Green Belt, the heights are comparable. It is acknowledged that the highest point of the proposed building is the atrium at approximately 7m high, which is higher than the extant consent. However, by and large the building is 3.4m high. For reference purposes the extant consent is largely 4.5m high. However, while these metrics are important to understand the overall scale of the building, they are not sufficient to assess it within its context.

The proposed building features a much higher level of articulation relative to the extant consent. The main visual consequence of crossed shape, despite extending further into the Green Belt, is that when viewed from key view points, such as the adjacent playing field, it appears as several smaller built elements, rather than a more solid, obtrusive object, thereby more effectively maintaining the openness of the Green Belt. Refer to the Noah's Ark Hospice, High Barnet - Green Belt Study by HAD (ref# 836.1) submitted in support of this application which confirms this. Overall, this is considered to better advance the intentions of adopted Policy DM15. In combination with the proposed mix of timber, brown/grey brick, and glass, this creates a softer appearance that responds more sensitively to the context within the Green Belt relative to the extant consent. In order to secure the final external material specification it is recommended that a condition is imposed that requires the submission and approval of the specification by the LPA.

Therefore, subject to the abovementioned condition, the proposed design as shown on the drawings recommended for approval is not considered to be a visually obtrusive form of development which would detract from the character and appearance of the Green Belt. Consequently, no objection is raised by the Officer in this regard.

Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

Assessment: Adopted Policy DM01 states that "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets". Therefore, in addition to the Green Belt, the proposal must also be considered in the context of Byng Road.

When viewed in the context of the residential part of the Byng Road, just south of the site, the proposal is by and large not visible. Refer to the Noah's Ark Hospice, High Barnet - Green Belt Study by HAD (ref# 836.1) submitted in support of this application which confirms this. Therefore, in this respect, the Officers raise no objection.

When viewed in the wider context of the Byng Road street-scene the proposal sits at the transition from higher density residential uses to the south and lower density, lower scale, more open Green Belt to the north. The peak of the atrium which presents as a gabled end to Byng Road is of a similar height and form to the residential development to the south, whereas the wings of the building are more similar to the Friends of Barnet Environment Centre to the north. This creates sensitive transition between the opposing built-forms which is considered to have responded to local characteristics by respecting the appearance, scale, mass, height and pattern of surrounding buildings. As such, the proposal is considered to advance the intentions of adopted Policy DM01. Consequently, Officers have no objection in this regard.

Whether the proposal would constitute an acceptable flood risk

Assessment: On 18 August 2016 Thames Water advised there was sufficient capacity in the sewer to accommodate the development. Further, the Lead Flood Authority advised on 2 September 2016 that the residual flood risk from the post-development scenario was acceptable. However, the Lead Flood Authority advised that there was insufficient information available to properly assess the proposed drainage scheme and subsequently recommended that a condition be imposed to require further details to be submitted to be assessed and approved by Council prior to commencement. Officers agree with this recommendation.

Whether the proposal would have an unacceptable impact on Highways

Assessment: It is acknowledged that the consent of this application would result in the loss of the existing car park for the Friends of Barnet Environment Centre. The existing car park was constructed in accordance with the extant consent (LPA ref# B/04065/11), an application which also featured the Children's Hospice in its previous design. Highways Officers have assessed the application and found that there are no changes to the previous levels of parking, trip generation and refuse collection and therefore there is no highway objection to the proposals subject to a s106 Agreement to secure the provision of a travel plan and the conditions contained herein. Further, the Demolition and Construction Management Plan/Traffic Management Plan conditioned herein should consider the provision for parking for the Friends of Barnet Environment Centre during construction. Therefore, subject to the conditions recommended herein, and a s106 Agreement to secure a travel plan the Officers raise no objections in this regard.

Whether the proposal would adhere to principles of inclusive design.

Assessment: The proposal features level access to all external doors to the hospice and within the building including the main reception area (where ramps are used they are integrated into the landscape), way-finding to direct pedestrian traffic, and disabled parking

bays. These features are considered to advance the intentions of adopted Policies DM02 and DM03, the adopted Sustainable Design & Construction SPD, and Policy 2 of the London Plan. It is noted that the GLA have previously expressed support in this regard and recommended that Council secure the inclusive measures by condition. This recommendation is seconded and conditions requiring compliance with the drawings submitted, as well as assessment and approval of detailed landscaping proposes and levels are recommended. Therefore, subject to the conditions recommended herein the Officers raise no objections in this regard.

Whether the proposal would unacceptably impact upon the ecological values of the site or result in harm to trees of special amenity value

Assessment: It is acknowledged that a number of trees of moderate quality with an estimated remaining life expectancy of at least 20 years are proposed to be removed, in addition to a number of low quality trees that are protected by a Tree Protection Order (TPO). Further, it also acknowledged that the site is a statutorily designated nature conservation site and that some of these trees would not have to be removed to build the extant consent. It is considered that these trees provide some level of amenity and ecology value to the overall site. As such, the applicant has proposed to offset the loss of this vegetation with additional planting via a detailed scheme. It is recommended that the detailed scheme is submitted for further consideration and approval by Council prior to commencement of the development. Further, a pre-commencement condition is also recommended to require the submission and approval of environmental offsets. Therefore, subject to the conditions recommended herein the Officers raise no objections in this regard. Moreover, it is noted that Natural England advised on 31 August 2016 that the proposal was not deemed to have a significant impact on the designated nature conservation site.

Whether harm would be caused to the living conditions of nearby residents

Assessment: Arguably the most impacted neighbour would be 99 Byng Road as this is the closest residential use. The closest part of the proposed building is approximately 19m away and 3.4m high with no outlook from this part. The proposal also features a number of landscape treatments to the boundary which separates these uses. Overall the proposal is considered not to have a significant impact on the living conditions of nearby residents. Nonetheless, it is recommended that the applicant is conditioned to submit and have landscaping details approved prior to commencement so this can be considered in further detail. Therefore, subject to the conditions recommended herein the Officers raise no objections in this regard.

Whether the development would impact on public rights of way

Assessment: There is a public right of way on the southern boundary of the site. It is acknowledged that the consent of the development would require the diversion of this right of way. However, given that it will remain for pedestrian and cycle traffic only, the diversion is not considered to have a significant impact on the adjoining residential uses and is therefore considered to be acceptable. Please be advised that the diversion of this public right of way will require a separate application. Therefore, subject to the conditions recommended herein the Officers raise no objections in this regard.

Whether the development has sufficient sustainability credentials

Assessment: Adopted Policy 5.2 (Minimising carbon dioxide emissions) requires that for major residential buildings consented between 2016 - 2031 must achieve 0 carbon. At present the Council is not requesting contributions to achieve the zero carbon policy. Application of this policy is under consideration by the Council and further information on implementation and when contributions will be required will be provided in due course. However, this application will also be subject to a Stage 2 referral to the GLA who may require compliance with this policy. As a fall back the development has been conditioned to comply with the 2013 - 2016 targets of 40% improvement on the 2010 Building Regulations. Therefore, subject to the conditions recommended herein the Officers raise no objections in this regard.

6.4 Response to Public Consultation

All issues raised in objections and representations received have been considered in Section 6.3 Assessment of proposals.

7. Equality and Diversity Issues

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

8. Conclusion

Having taken all policy and material considerations into account, it is considered that the main issues for consideration raised in Section 6.2 have either been overcome by the application, or can be acceptably conditioned, or mitigated through a legal agreement to make the development acceptable in planning terms. Therefore, it is considered that, subject to the conditions recommended herein, as well as a legal agreement to secure the implementation of a Travel Plan, the application can be supported.

