

**Location**                      **Cottage Farm Mays Lane Barnet EN5 2AQ**

**Reference:**                      **17/2326/FUL**                      Received: 10th April 2017  
Accepted: 19th April 2017

Ward:                              Underhill                              Expiry 14th June 2017

Applicant:                      Mr R Varsani

Proposal:                              Demolition of kennel complex buildings and hardstanding and construction of 2no dwellings, with associated landscaping, car parking and biodiversity enhancements across the site and retention of existing dwelling

**Recommendation:** Approve subject to s106

**RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Provision of a landscape and wildlife management programme and contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Head of Development Management/Head of Strategic Planning approve the planning application subject to the following conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Proposed site Issue date 28/07/2017:

0.1.a, 0.1.c, 0.5, 0.7a and 0.8

House A Issue date 04/04/2017:

D.PR.2.1, D.PR.2.2, D.PR.2.4, D.PR.3.1, D.PR.3.2, D.PR.3.3, D.PR.3.4, D.PR.4.1 and D.PR.4.2.

House B Issue date 20/07/2017: :

D.PR.2.1, D.PR.2.4, D.PR.3.1, D.PR.3.2, D.PR.3.3, D.PR.3.4, D.PR.4.1, and D.PR.4.2.

Notwithstanding the details shown on the approved drawings, this approval does not include the gazebo structure shown in other drawings and images of the proposed development (located to the north west of the existing pond) and indicated on the above approved site plan drawings 0.5, 0.6a, 0.7a and 0.8.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

#### 4 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

#### Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS

NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 5
- a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.
  - c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2011.

- 6
- a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.
  - b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
  - c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).
  - d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2015.

- 7 a) No site works or works in connection with the development hereby approved shall be commenced until a revised and updated biodiversity surveys and strategy have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- (i) updated surveys of key protected species;
- (ii) full details of the protective measures to be implemented for wildlife species protected by law;
- (iii) confirmation that the necessary licence(s) for demolition and wildlife relocation has or have been obtained;
- (iv) details of mitigation measures including the timing of development works and special techniques;
- (v) numbers and locations of wildlife enhancements including bat boxes, nesting boxes, refugia and other artificial structures; and
- (vi) wildlife friendly planting.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected 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 October 2016).

- 8 a) No development shall take place until details of the levels of the approved buildings and site access road in relation to the adjoining land, existing dwelling at the site and public highway, 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 2016.

- 9 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.

10 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to 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 details approved under this condition.

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

11 The development hereby approved shall not commence until an updated surface water drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

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

c) The development shall thereafter be implemented and maintained 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.

- 13 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.

- 14 a) No development other than demolition works shall take place until details of the appearance, materials and set-back distance for the replacement gates and the appearance and materials for boundary treatment 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), Policies DM01 and DM15 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.

- 16 a) Before the development hereby permitted is first occupied, details of the appearance of the enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins together with a satisfactory point of collection within 10m of the public highway shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 17 a) Before the buildings within the development are substantially completed, details of the subdivision and boundaries of the residential curtilages of the existing and proposed dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall include clarification of any areas within the development which are for the communal use of all residents.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development retains a predominantly rural character in this Green Belt site and does not result in the suburbanisation of the site, in accordance with policies DM01 and DM15 of the Development Management Policies DPD (adopted September 2012).

- 18 Prior to the first occupation of the approved dwellings they shall have been constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 20% 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.

- 19 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 20 Before the development hereby permitted is occupied; parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.

- 21 Before the development hereby permitted is occupied, cycle parking and cycle storage facilities shall first have been provided in accordance with a scheme that has been submitted to and approved by the Local Planning Authority. The cycle storage spaces shall be permanently retained thereafter.

Reason: 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.

- 22 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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.

- 23 No area shown on the approved plans as flat roofs shall be used as balconies or roof terraces.

Reason: To ensure that the proposed development does not result in the suburbanisation of the countryside, in accordance with Policy DM15 of the Development Management Policies DPD (adopted September 2012).

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A - H of Part 1 and Classes A, B, D, E and F of Part 2 of Schedule 2 of that Order shall be carried out within the application site.

Reason: To ensure that any further development of this sensitive Green Belt site is subject to appropriate control, in accordance with Policy DM15 of the Development Management Policies DPD (adopted September 2012).

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 29 August 2017, unless otherwise agreed in writing, the Head of Development Management/Head of Strategic Planning REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking for the future Landscape Management of the site and an appropriate contribution to meet the costs of doing so. The proposal would therefore not address the impacts of the development,

contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2016).

**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. 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 This permission should be read in conjunction with a section 106 planning obligation completed in conjunction with the permission, dated \*\*\*\* 2017.
- 3 The Environmental Health Officer has advised that in order to meet Environmental Health concerns, the Demolition and Construction Method Plan required by the condition above shall include as a minimum details of:
  - Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. If any of these points are considered to be not applicable for this site, your reasoning for omitting those points should be explained.
  - Confirmation whether or not a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - Provide confirmation that an asbestos survey has been carried out.
  - Confirmation of the following:
    - (i) log book on site for complaints,
    - (ii) work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed;
    - (iii) clear contact details on hoarding;
    - (iv) Adherence to standard construction site hours (these are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays).
- 4 Further to the above comments, the Highways Authority has advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect. These issues should also be properly addressed within the Demolition and Construction Method Plan.
- 5 Refuse collection points should be located within 10 metres of the Public Highway.

## **Officer's Assessment**

### **1. Site Description**

The site comprises 0.95 hectare of Green Belt land with a chalet style dwelling towards the north-eastern corner of the front of the site and a range of smaller buildings. These are identified in the application as:

Building 1: This is located to the rear of the site at its southern western corner, where the site is at its longest. It has areas of hardstanding to front and rear which are enclosed by fences. These in turn are surrounded by scrub and hedges to the sides and rear.

Buildings 2 - 8: These are set in a largely linear arrangement to the rear of the existing dwellings and extending back towards part of the southern boundary, occupying the south-eastern part of the site.

Building 9: This is a low flat roofed building that is set close to the road frontage behind a hedge that screens it from direct view from the road.

Between Buildings 1 and 9, the western part of the site is largely open. There is a pond near the centre of this part of the site, and the Dollis Brook forms the western boundary to the property. Land immediately around the eastern, southern and western sides of the site is open farm land, and the Dollis Valley Walk passes about 100m to the south and south-east of the site. There is a residential cul-de-sac some 70 - 100 metres to the north-east at Partridge Walk, and a number of farm building complexes are located to the west and south-west, on both sides of Mays Lane.

### **2. Site History**

N07957 - Two single storey buildings - planning permission granted 2 April 1986

N07957A - Erection of single storey building comprising thirty kennels each with external exercise area - planning permission refused 9 November 1988

N07957B - Erection of detached two storey dwelling house with attached double garage, to replace existing cottage - planning permission refused 24 October 1989

N07957C - Erection of detached bungalow with integral garage to replace existing - planning permission refused 10 September 1991

N07957D - Demolition of part of bungalow, single storey side extension and dormer windows on front and rear - planning permission granted 29 April 1992

N07957G - Erection of single storey building for use as a boarding cattery - planning permission granted 24 January 1995

N/07957/D/00 - Demolition of storage building adjacent to main entrance and erection of single storey side extension to Cottage Farm house - planning permission granted 4 July 2000

N/07957/R/05 - Conversion of existing barn into 1 no. self-contained residential unit and storage room - planning permission refused 22 November 2005

N/07957/S/05 - Single storey front extension. New dormer window to rear elevation to provide additional bedroom - planning permission granted 2 February 2006

B/04041/14 - Construction of two detached dwellings and one outbuilding to provide leisure facilities - planning permission refused 4 December 2014; subsequent appeal dismissed 17 August 2015 (Planning Inspectorate ref. APP/N5090/W/15/3011030)

The 2014 application was refused for the following reasons:

1. The construction of two residential dwellings and an outbuilding are inappropriate forms of development within the green belt, which do not preserve the openness of the Green Belt. No very special circumstances have been demonstrated that would justify the development. The development would therefore have an unacceptable impact on the aims, purpose and openness of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM15 of Barnet's Local Plan Development Management Policies (Adopted September 2012), and paragraphs 89 and 90 of the National Planning Policy Framework Published 2012.

2. Inadequate information has been submitted in respect of the impact of the proposed development on protected species, including Bats and Great Crested Newts, as identified in the submitted Ecological Reports, and Bat and Great Crested Newt surveys have not been submitted. Therefore there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. The proposal would therefore be contrary to Policy DM16 of the Development Management Policies DPD (adopted September 2012)

### **3. Proposal**

It is proposed to demolish Buildings 1 - 8, reduce Building 9 to about half of its existing size, and reduce the area of hardstanding within the site by approximately 3500 sq.m., with two detached dwellings to be constructed in their place. The current existing residential dwelling would remain on the site, bringing the total number of dwellings to three. Replacement of the existing gates and brick entrance feature wall to either side of them with gates of a more rural character is also proposed, and changes made to the internal road layout chiefly by the reduction in hard surfacing as noted above. The reduced Building 9 would be used for the storage of refuse and recycling, bicycles and garden equipment such as a ride-on lawn mower and other maintenance equipment.

### **4. Public Consultation**

Consultation letters were sent to 299 neighbouring properties. No responses have been received.

Councillors Prentice and Sowerby have asked for the application to be considered by the Area Planning Committee due to the site's location in the Green Belt, which was key to the first reason for the refusal of the last application, and due to the controversial nature of that application.

### **5. Planning Considerations**

## **5.1 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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

Policy 2.18 - Green Infrastructure  
Policy 3.3 - Increasing Housing Supply  
Policy 3.4 - Optimising Housing Potential  
Policy 3.5 - Quality and Design of Housing Developments  
Policy 3.8 - Housing Choice  
Policy 5.2 - Minimising carbon dioxide emissions  
Policy 5.3 - Sustainable design and construction  
Policy 6.13 - Parking  
Policy 7.3 - Designing Out Crime  
Policy 7.4 - Local Character  
Policy 7.6 - Architecture  
Policy 7.16 - Green Belt  
Policy 7.19 - Biodiversity and access to nature  
Policy 8.1 - Implementation  
Policy 8.2 - Planning Obligations  
Policy 8.3 - Community Infrastructure Levy

### 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 National Planning Policy Framework - Presumption in favour of sustainable development

CS1 Barnet's place shaping strategy - the Three Strands approach

CS3 Distribution of growth in meeting housing aspirations

CS4 Providing quality homes and housing choice in Barnet

CS5 Protecting and enhancing Barnet's character to create high quality places

CS7 Enhancing and Protecting Barnet's open spaces

CS9 Proving safe, effective and efficient travel

CS10 Enabling inclusive integrated community facilities and uses

CS11 Improving health and well-being in Barnet

CS13 Ensuring the efficient use of natural resources

CS14 Dealing with our waste

CS15 Delivering the Core Strategy

- Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity

DM02 Development standards

DM04 Environmental considerations for development

DM08 Ensuring a variety of sizes of new homes to meet housing need

DM15 Green Belt and open spaces

DM16 Biodiversity

DM17 Travel impact and parking standards

DM18 Telecommunications

The Council's approach to development as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 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 DM15 of the Council's Development Management Policies DPD sets out that development in the Green Belt is required to comply with the National Planning Policy Framework (NPPF) and that the replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in the Green Belt. This closely aligns with NPPF paragraph 89, which provides for the partial or complete redevelopment of brownfield land the Green Belt that would not have a greater impact on openness and the purpose of including land in the Green Belt than the existing development.

Supplementary Planning Documents

Mayor of London's Housing SPG

- This sets out a range of Standards for residential in London.

Residential Design Guidance SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The key issues relate to whether the proposals have overcome the objections in the previously refused application and in the subsequently dismissed appeal.

### Summary of the appeal decision

The appeal Inspector considered that the appearance and height of the buildings in the refused proposed would have had a significant effect on openness, and that the buildings would stand out and be more intrusive than both the retained buildings and the existing buildings that would be removed. He also considered that the physical sub-division of the plots and domestic paraphernalia could further reduce the sense of openness. The proposal would therefore have had a greater effect on the openness of the Green Belt than the existing development, and would therefore have been inappropriate in Green Belt terms.

The Inspector considered that the reduction in the amount of hard-surfacing on the site and an increase in landscaped areas while beneficial does not have any specific effect on openness. The use of the site for kennels had obviously ceased and some of the buildings had started to deteriorate, and therefore any environmental benefits of the cessation of the kennels use had already occurred and would not have been reliant on the approval of the appeal scheme. This and other positive aspects of the proposal was not considered to outweigh the harm to the Green Belt, and consequently the very special circumstances necessary to justify the development did not exist.

The appeal decision related only to the first reason for refusal. This is because the second reason for refusal, which related to protected wildlife, had been overcome through the submission of a satisfactory wildlife survey and enhancement strategy, prior to the appeal being considered.

The main issues are therefore considered to be:

- (i) Whether the current proposal constitutes inappropriate development in the Green Belt;
- (ii) Whether the harm caused by reason of inappropriateness is outweighed by other matters;
- (iii) Whether the wildlife surveys which were undertaken subsequent to the refusal of the 2014 application remain current, and whether there are any issues arising from this; and
- (iv) Whether there are any other issues which are materially different from those considered when the 2014 application was assessed.

## **5.3 Assessment of proposals**

### Whether the proposal constitutes inappropriate development in the Green Belt

The appeal proposal was for the construction of two detached, two-storey dwellings (1no. 5-bed and 1no. 5-Bed + library) along with an ancillary leisure block that was intended to provide a swimming pool, gym, sauna, steam room, changing rooms, storage and associated plant equipment.

As in the appeal proposal, no in-principle objection is raised in this current application to the removal of the existing kennels and outbuildings. The acceptability of the current scheme therefore falls to the merits of the replacement buildings, which are considerably reduced as compared to the appeal scheme.

Paragraph 89 of the NPPF states that construction of new buildings is inappropriate in the Green Belt. There are a very few exceptions to this; the exceptions include:

*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In the appeal scheme the proposed new dwellings would have been large, bulky and predominately two storeys in height. The appeal decision specifically noted that they would have been higher than the existing retained dwelling at the site. In this proposal, the buildings are considerably reduced, with roof ridgelines limited to the height of the existing chalet bungalow. While the bulk and massing of the proposals as first submitted for the application were considered to be overly bulky and did not sufficiently consolidate development within the site, in the amended scheme now under consideration, a better balance between existing and replacement buildings is considered to have been struck. The two houses are located in the general locations of the existing buildings that would be demolished:

- House A would replace the linear arrangement of Buildings 2-8, and would be located more or less in the centre of this group following their demolition; while
- House B would essentially replace Building 1 although it would be located a little further forward of it, largely on an area of existing hardstanding and a little closer to the existing dwelling than Building 1.

Comparative figures given for volume and footprint are as follows:

<b>Existing:</b>	Area (sq.m)	Volume (cub.m)	<b>Proposed:</b>	Area (sq.m)	Volume (cub.m)
Building 1	302	1065	House B	187	680
Total buildings 2-8	658	2232	House A	187	706
Building 9	170	566	(reduced)	85	283
<b>Total</b>	<b>1130</b>	<b>3863</b>		<b>187</b>	<b>680</b>

Area and volume of the buildings are both substantially reduced, with reductions in building area of 59% and built volume of 57% over the whole of the site. Reductions of built form to this extent is considered to be sufficient to lead towards a positive assessment in terms of compliance with the above test from NPPF paragraph 89. However, roof heights while matching the existing house would still be higher than the buildings that they would replace. The roof volumes of the two houses above eaves level are relatively small compared to the total volume of built form that would be demolished. However, on balance, the impact on Green Belt openness in some views would be a loss of openness, and the development is therefore inappropriate by definition.

## Whether the harm to Green Belt openness would be outweighed by very special circumstances

While the application is considered to be inappropriate due to the increased bulk above eaves level, the design of the buildings is intended to reduce this bulk. The site wide reductions in footprint and volume are noted above; taking this on the level of the individual dwellings, replacement of eight smaller buildings with House A would result in a reduced footprint equating to 72% and accompanying volume reduction of 68%. For House B, reductions in footprint as compared to the existing Building 1 would be 38%, with a volumetric reduction of 36%. However, the volume above eaves level would increase, and it is this aspect of the scheme which is considered to make the application inappropriate in Green Belt terms. While the two houses have been designed with similar footprints / floor areas, in negotiating what are considered to be acceptable houses sizes, officers consider that the smaller reductions from Building 1 to House B means that only a single storey dwelling would be acceptable in this part of the site. A two-storey house is considered to be more acceptable in the case of House A due to the greater area and volume of buildings that would be replaced in this part of the site, with the area of hardstanding that would be removed within this part of the site also a benefit of the proposals albeit that this has no direct impact on openness. The low building at the front of the site would also be reduced in both area and volume by 50%, and the existing entrance gates and flanking brick walls, which are of a modern suburban character, would be replaced with gates with a more rural character. These are all considered to go towards improving the openness of the site and providing a positive balance against the relatively small increase in volume above eaves level, and it is considered that this would provide a substantial part of the very special circumstances case that is needed to justify this inappropriate development. The application proposes a long-term Landscape Management Plan, which is intended to ensure high biodiversity values for the site and to assist in ensuring its long-term rural character. While the applicant is willing to enter in a section 106 agreement to provide for this, in order to be fully acceptable, any legal obligation should include the ability for the Council to appoint an alternative landscape management contractor to carry out required works at the expense of future occupiers, if the landscape management obligations of future residents within the Landscape Management Plan are not met. This would require either a bond or an annual charge for officer's time in monitoring the obligations.

The Appeal Inspector noted the Council's concerns regarding the spread of residential paraphernalia at the site. It is considered that this can be overcome by conditions to require the extent of residential garden curtilages and any communal areas to be defined, and for these areas then to be incorporated as such into the Landscape Management Plan. It is considered that the communal areas should retain a rural ambience and landscape, and as such domestic structures such as summerhouses and gazebos as well as portable items should be excluded from the non-residential parts of the site. For this reason, condition 1 (approved plans) also excludes a gazebo which is shown on the indicative three-dimensional drawings included in the submissions, and also in plan form on some of the approved planning layout drawings. No elevational details of this structure are included in the submission.

The outcome of the Landscape Management Plan would ensure that the development constitutes limited residential gardens, structures and paraphernalia in addition to the proposed new dwellings, within a landscaped area that is maintained for its rural character and biodiversity. It is considered that with this control the Inspector's concerns regarding the spread of residential paraphernalia would be overcome.

Taking all of the above points together, it is considered that the significantly reduced volume and coverage that would result from the removal of the existing single-storey buildings together with a robust, enforceable and fully funded Landscape Management Plan would constitute sufficient very special circumstances that justifies the proposals. Costs of funding the Landscape Management Plan are currently being clarified and it is expected that further information will be provided in the Addendum.

#### Whether the proposal provides sufficient protection for existing wildlife

A Biodiversity Strategy that outlines ecological enhancements to improve the wildlife values of that site was submitted with the application, along with reports of protected species surveys carried out at the site and adjacent to the site. These comprise emergence and re-entry surveys for bats that were undertaken in August 2016 and a survey for Great Crested Newt dating from 2014. One bat roost was identified along with several potential roost sites. Demolition would therefore have to be carried out under licence from Natural England. The Great Crested Newt survey may however be out of date, and while ponds surveyed were outside the site, it is recommended that further survey work be carried out prior to any demolition taking place. Additional details would be provided in accordance with the recommended condition.

#### Whether the proposals give rise to any other issues, which were considered satisfactory in the refused application

- Character and appearance of the proposed buildings

The design of the buildings has changed markedly since the refused application. However they remain individual designs of good quality, and subject to conditions that remove permitted development rights and that require the use of high quality and appropriate exterior materials, they are considered to be of acceptable design, character and appearance in this location.

- The amenities of neighbours and future occupiers at the site

The site is located in a secluded rural location accessible from the May Lane. The pattern of development is sparse and as a result it is not considered that the proposals would harm neighbouring amenity. The proposed dwellings would provide adequate amenity for existing and future residents.

- Highway safety

The proposals would make ample provision for parking in accordance with the Council's standards. The Highways Officer overall proposals are acceptable in highways terms subject to conditions.

- Sustainable Development

A Sustainability Statement provided with the application sets out that the development would meet a high level of building sustainability. This needs to be updated to reflect the amended building designs now proposed. The conditions recommended below provide for this.

The Lead Local Flood authority has requested additional information in regards to site drainage, and these will also be subject to the conditions recommended in this report.

The Environmental Health Officer has no objections to the proposals, subject to conditions as also recommended.

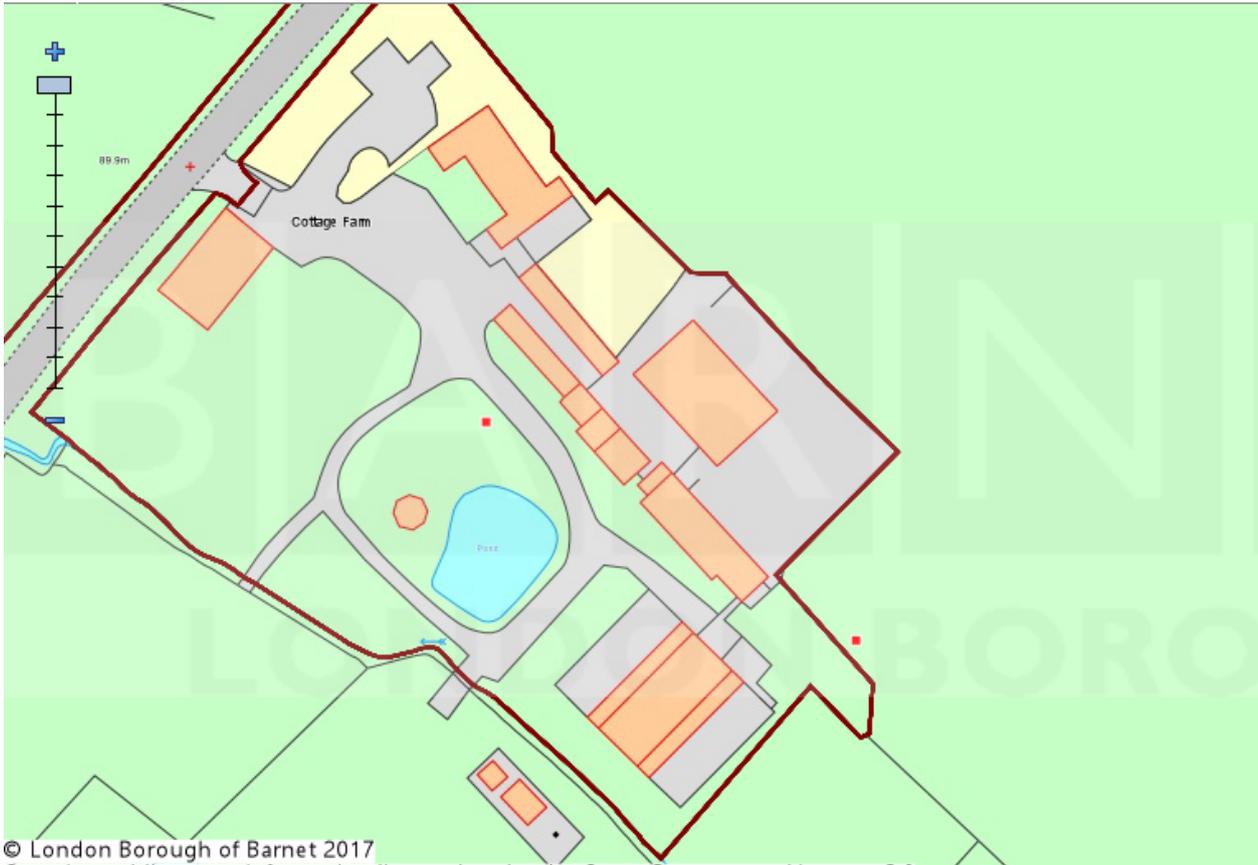
## **6. Equality and Diversity Issues**

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.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to the completion of a section 106 planning obligation to provide for a long-term Landscape Management Plan, as discussed above, the proposed demolition of most of the existing ancillary buildings and redevelopment with the two dwellings proposed here would provide the very special circumstances that are required to allow this inappropriate Green Belt development to be approved. With this in place, and subject also to the conditions in this report, the proposal would have an acceptable and positive impact on the character and appearance of the application site and the rural Green Belt locality within which it is set. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for Approval, subject to completion of the section 106 agreement and to the recommended conditions.

## Site Location Plan



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