

LOCATION: Montrose Playing Fields, HA8

REFERENCE: 18/1644/FUL **Received:** 14 Mar 2018
Accepted: 28 Mar 2018

WARD: Burnt Oak **Expiry:** 23 May 2018

APPLICANT: London Borough of Barnet

PROPOSAL: Erection of a single storey cafe (Class A3) building within Montrose Playing Fields, including a community event space and changing facilities.

APPLICATION SUMMARY

The current submission follows the approval of application 17/1929/FUL in February 2018 by the Planning Committee. This gave permission for the comprehensive redevelopment of the Montrose Playing Fields and the Silk Stream Park. Under that application it was understood as per the request by Sports England that approval for the works would only be acceptable on the basis that changing room facilities must be provided. As these facilities did not form part of the application it was required that a separate application be submitted. The current application seeks to address this requirement.

The Montrose Playing Fields site is south of the Borough close to the Edgware Road. The current site has a number of dilapidated buildings including the existing Pavilion building. Previously it had been thought that this building could be redeveloped its existing position, However the Environment Agency noted that the existing building was directly within a Flood Zone and as such objected on these grounds. As a result, another area of the park outside of the flood risk zone, was sought. The position of the proposed café building was determined by this stipulation.

The proposed café building has been designed to be used for multiple experiences including purposes. Not only does it include two changing room facilities each designed for use by 12 people, it also includes a café space with associated kitchen and storage areas and an event space and multi-use space. The internal use of the building has been envisioned to allow some flexibility for those who will ultimately rent the space. It has also been designed so that revenue can be generated in a number of ways and not just focused on the use of the café. Once built, the space would be contracted out to an independent company who would be responsible for the management of the whole building and the spaces within it. It should be noted that previous to the submission a marketing exercise was undertaken to gauge the level of public interest for the management of the building and this provided very positive. Therefore once built a contractor will be sought. The remainder of the park will continue to be managed by the Council's Green Spaces team.

The application site sits within the boundaries of the Colindale Regeneration and Development Area and the Colindale Area Action Plan (CAAP), which recognises that Colindale has an important role to play in the borough-wide strategy to protect the most important open and green spaces. The application site also lies within the Watling Estate Conservation Area, however there are no Listed Buildings on site and the site does not form part of any areas of special archaeological interest.

Having considered all relevant policies contained within the Barnet Development Plan, as well as applying other relevant supplementary guidance to the formal assessment of the application, it is concluded that the proposed development accords with all of Barnet Council's Development Plan policies and guidance. In consequence, there are clear material planning considerations which justify the grant of planning permission for the development. Accordingly, the proposal is recommended for approval subject to conditions outlined in Appendix 1.

RECOMMENDATION

Recommendation 1: Approve Subject to conditions.

Recommendation 2: RESOLVED that the Committee grants delegated authority to the Head of Planning to make any minor alterations, additions or deletions to the recommended conditions and 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).

ASSESSMENT

1. SITE AND SURROUNDINGS

The application site is located within the southern part of Montrose Playing Fields Park, south of the Borough, within the Burnt Oak Ward of Barnet Council. There Council has undertaken a redevelopment exercise to create better links between Montrose Park and its sister park the Silk Stream Park which is north of the site. However the current application focuses solely on the Montrose Playing Fields. The total park area measure 5.2 hectares. The playing fields are bordered by Montrose Avenue, The Greenway, the Silk Stream River and Transport for London's Northern Line tube line track. The site is currently owned and managed by Barnet Council.

The application has a PTAL rating of between 1(Very Poor) – 3(Moderate). It is within close proximity of Burnt Oak (6 minutes walk) and Colindale tube station (10 minutes walk). It is also 15 minutes walk to the main Edgware Road where a number of buses are operational. The park is also close to a number of residential regeneration areas in Colindale such as Graham Park, Bristol Avenue and the Redrow development near Colindale Station. In fact, the site sits within the boundaries of the Colindale Regeneration and Development Area and the Colindale Area Action Plan (CAAP), which recognises that Colindale has an important role to play in the borough-wide strategy to protect the most important open and green spaces.

The application site lies within the Watling Estate Conservation Area, however there are no Listed Buildings on site and the site does not form part of any areas of special archaeological interest.

At present, the site comprises an open area of park land with a delapidated pavilion building to the northern most area of the site, previously used as changing room facilities. The current facilities include 2x tennis courts with hard macadam flooring and 1 x small football pitch. Although there are limited existing facilities within the park, it is nevertheless a very popular area used by a number of different sporting groups such as the Gaelic football teams.

The current application is part of the comprehensive redevelopment of the whole park land area approved in early 2018 under application 17/1929/FUL. This gave permission for the:

“The refurbishment of Silkstream Park and Montrose Playing Fields; the creation of new entrances; the installation of new footpaths and cycleways with 9 racks which would accommodate 18 bicycles; the installation of new hard paved public realm areas; the installation of new bridges and refurbishment of an existing bridge; the creation of a new pedestrian and cycle crossing of Montrose Avenue; the installation of new road surfaces and road design details on Montrose Avenue; the demolition of the existing pavilion building; the refurbishment of the existing tramshed building; the creation of new flood attenuation areas through amendments to levels and cut and fill operations; the installation of new playground facilities; the installation of new skateboarding facilities; the installation of new outdoor sports facilities including a multi-use games area, tennis courts, a green gym and basketball hoops; the provision of two no. 9 x 9 grass football pitches; the installation of occasional play equipment; new tree planting; new soft landscape planting.”

As part of this extant permission, Sports England stated that the application could only be considered acceptable if onsite changing room facilities were to be provided. The current applicant aims to address this requirement.

2. PROPOSAL

Planning permission is sought for the erection of a café building within the southern part of the Montrose Playing fields. The proposed unit would have an internal floor space of 458 square metres.

The proposed space would be multi-purpose, encompassing changing room facilities, café space and an event area.

The original development was submitted with two designs titled ‘Phase 1’ and ‘Phase 2’. However given the small scale of the development and the nature of the works, officers do not consider that it is necessary for the development to be built in phases. In light of this, references to phases have been removed.

The development would not lead to the loss of any trees.

3. RELEVANT SITE HISTORY

- **17/1713/FUL:** Erection of part single storey, part two storey Youth Zone including multiuse sports hall, floodlit roof level MUGA/kick pitch, music suite, indoor/outdoor recreation areas, and café/kitchen. - **Approve subject to conditions, 2017.**
- **17/1929/FUL:** The refurbishment of Silkstream Park and Montrose Playing Fields; the creation of new entrances; the installation of new footpaths and cycleways with 9 racks which would accommodate 18 bicycles; the installation of new hard paved public realm areas; the installation of new bridges and refurbishment of an existing bridge; the creation of a new pedestrian and cycle crossing of Montrose Avenue; the installation of new road surfaces and road design details on Montrose Avenue; the demolition of the existing pavilion building; the refurbishment of the existing tram shed building; the creation of new flood attenuation areas through amendments to levels and cut and fill operations; the installation of new playground facilities; the installation of new skateboarding facilities; the installation of new outdoor sports facilities including a multi-use games area, tennis courts, a green gym and basketball hoops; the provision of two no. 9 x 9 grass football pitches; the installation of occasional play equipment; new tree planting; new soft landscape planting. – **Approved by Committee, 2018.**

- **W07181:** Change of use from allotments to open space purposes. – **Approved with conditions, 1983.**

4. PUBLIC CONSULTATIONS AND VIEWS EXPRESSED

The application was advertised via a Site Notice displayed at the site for a period of 21 days from the 5th April 2018.

The application was also publicised via direct neighbour letters to 360 neighbouring properties. One neighbour comments have been received from 19 Montrose Avenue in support of the application. These comments can be summarised as follows:

- Pleased to see improvements being made to Montrose Playing Fields after years of neglect.
- The building should be looked after. Who will be doing this? Café Manager? Will there be other staff?
- The café should not be mined by volunteers only
- There does not seem to be much to attract over 25's
- There has been some undesirable activity in the park in recent years and I would not want an unmanned building as this could attract anti-social behaviour.
- I would have liked to have seen some outdoor gym equipment installed as this has proved popular in other Barnet parks.

Officer response: Should the Committee approve permission for the works, Barnet Council will then go to tender to find a company to manage the café. The winning bid would also be responsible for managing the building as a whole including the event space.

It should also be noted that as part of the original visioning exercise for the development of the Montrose Park, a business study was undertaken to gauge what the likely level of private interest would be for the café in the park. This proved very positive and demonstrated a clear demand for the use. The remaining park would be managed by the Council's Green spaces team as per the normal arrangement.

5. STATUTORY AND INTERNAL BODIES

- **Affinity Water:** No comment
- **Arboricultural Officer:** The development would be situated away from the main line of trees therefore it would not harm existing planting.
- **Barnet Council's Ecology Officer:** No objection
- **Barnet Council's Property services:** No comment.
- **Barnet Regeneration:** Support
- **Canal and River Trust:** No comment
- **Design Officer:** Design of café modern and acceptable.
- **Energy Officer:** No comment
- **Environment Agency:** As part of the site falls within flood Zone 1 the café building should take care to be located away from the flood plain.
- **Environmental Health:** Acceptable subject to conditions.

- **Flood Officer:** No comment
- **Green Spaces:** No comment
- **Greentop Young People Activity Centre:** No comment
- **Health and Safety Officer:** No comment
- **Highways England:** No comment
- **Highways Officer:** No objection
- **Historic England:** No comment
- **London Wildlife:** No comment
- **Love Burnt Oak:** No comment
- **London Underground:** No comment
- **London Ambulance:** No comment
- **London Ecology:** No comment
- **London Fire Brigade:** No comment
- **Metropolitan Police:** No comment
- **Montrose Avenue Society:** No comment
- **National Grid Protection:** No comment
- **Natural England:** No comment
- **North West London group:** No comment
- **Schools, Skills and learning:** No comment
- **Skills and Enterprise:** No comment
- **Sports England:** No comment
- **Street lighting:** No comment
- **Thames Water:** No comment
- **Transport for London:** No comment
- **Transport Officer:** No comment
- **UN Power Network:** No comment
- **Waste and Refuse Officer:** No objection

6. KEY PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and

Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

Officers have considered the development proposals very carefully against the relevant policy criteria and have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is therefore considered to comply with the requirements of the development plan.

6.1 National Planning Policy Framework

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

- 7. Requiring good design
- 8. Promoting healthy communities
- 9. Protecting Green Belt land
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

6.2 The Mayor's London Plan 2017

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

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

- Policy 1.1 - Delivering the Strategic Vision and Objectives for London
- Policy 2.18 - Green Infrastructure: The Network of Open and Green Spaces
- Policy 3.2 - Improving Health and Addressing Health Inequalities

- Policy 3.6 - Children and Young People's Play and Informal Recreation Facilities)
- Policy 3.16 - Protection and Enhancement of Social Infrastructure
- Policy 3.19 - Sports Facilities
- Policy 4.6 - Support for and Enhancement of Arts, Culture, Sport and Entertainment
- Policy 5.1 - Climate Change Mitigation
- Policy 5.3 - Sustainable Design and Construction
- Policy 5.12 - Flood Risk Management
- Policy 5.13 - Sustainable Drainage
- Policy 5.15 - Water Use and Supplies
- Policy 5.17 - Waste Capacity
- Policy 6.1 - Strategic Approach
- Policy 6.3 - Assessing Effects of Development on Transport Capacity
- Policy 6.5 - Funding Crossrail and Other Strategically Important Transport Infrastructure
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm
- Policy 7.6 - Architecture
- Policy 7.8 - Heritage Assets and Archaeology
- Policy 7.15 - Reducing and Managing Noise
- Policy 7.17 - Metropolitan Open Land
- Policy 7.18 - Protecting Open Space and Addressing Deficiency
- Policy 7.19 - Biodiversity and Access to Nature
- Policy 7.21 - Trees and Woodlands
- Policy 7.30 - London's Canals and Other Rivers and Waterspaces

6.3 *Barnet London Borough Local Plan*

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan policies are most relevance to the determination of this application are set out below.

Draft Replacement London Plan (2017)

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications will continue to be determined in accordance with the 2016 London Plan.

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6.3.1 *Core Strategy (Adopted 2012):*

- Policy CS NPPF - National Planning Policy Framework—Presumption in favour of sustainable development
- Policy CS1 - Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach
- Policy CS5 - Protecting and enhancing Barnet's character to create high quality places

- Policy CS7 - Enhancing and Protecting Barnet's Open Spaces
- Policy CS9 - Providing safe, effective and efficient travel
- Policy CS10 - Enabling inclusive integrated community facilities and uses
- Policy CS11 - Improving health and wellbeing in Barnet
- Policy CS13 - Ensuring the efficient use of natural resources
- Policy CS14 -(Dealing with our waste
- Policy CS15 - Delivering the Core Strategy

6.3.2 *Development Management Policies (Adopted 2012):*

- Policy DM01 - Protecting Barnet's character and amenity
- Policy DM02 - Development standards
- Policy DM03 - Accessibility and Inclusive Design
- Policy DM04 - Environmental considerations for development
- Policy DM06 - Barnet's Heritage and Conservation
- Policy DM13 - Community and education uses
- Policy DM15 - Green Belt and open spaces
- Policy DM16 - Biodiversity
- Policy DM17 - Travel impact and parking standards

6.4 *Supplementary Planning Documents and Guidance*

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new developments within Barnet meets sufficiently high environmental and design standards.

- *Sustainable Design and Construction (May 2016)*
The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development. In terms of waste, the preferred standard seeks to provide facilities to recycle or compost at 60% of waste by 2015. The SPG also states that the siting of recycling facilities should follow consideration of vehicular access to the site and potential (noise) impacts on amenity.
- *The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)*
The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.
- *Accessible London: Achieving an Inclusive Environment (April 2004)*
The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.
- *Planning for Equality and Diversity in London (October 2007)*
This guidance sets out sets out some of the overarching principles that should guide planning for equality in the London context
- *All London Green Grid (March 2012)*
This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, it aims to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

7. PLANNING CONSIDERATIONS

The main areas for consideration are:

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Trees
- Sustainability
- Highways
- Refuse and Recycling Storage

7.1 Principle of Development

The principle to develop a café building at Montrose Playing Field was established by the 2017 planning permission under reference 17/1929/FUL. This application established the wider refurbishment works for both side of the park and included new footpaths, skateboarding facilities, tennis courts, a gym and basketball hoops, as well as new bridges, cycle provisions and a children's play area. Therefore the development is in keeping with the provision of the wider site.

7.2 Design

The National Planning Policy Framework (published 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

At present there is an existing pavilion building at the far west of the site. However this building is delapidated and too small in scale to accommodate the likely visitors to the site after the redevelopment of the park land area. The existing pavilion building is also unlikely to meet the requirements of Sports England. Originally the developer did look to redevelop the existing building. However discussions with the Environment Agency highlighted concerns regarding the location of the existing pavilion building being on flood risk land. Therefore the Agency objected to any new building being built on the existing pavilion site. As a result, careful consideration was given the new location of the café hub.

The proposed café hub sits in the middle of the Montrose Playing Fields. The location and design of the building has been developed to allow access at both sides to encourage its use and its connectivity between the internal and external. The proposed café hub building is a single storey unit built with timber and glass. It measures 6.9 metres in height, 60 metres in length (at its longest) and 8 metres in width. The floor space measures It has been designed at a curved angle and would have a sedum roof.

The building roof itself represents an important design feature. The undulating roof creates a modern and distinctive feature at the central part of the park. It has also been designed to reduce solar gain by extending beyond the main building. The building materials will also help reduce solar gain through the use of alternating wall materials (solid wall with a glazed wall return and a glazed wall with solid wall return). The development also makes provision for an outside sitting area.

It is considered that the height, form and massing of the building is acceptable and would not compromise the general character of the park area. It is also considered that the scheme would not compromise the openness of the park area. Care has also been taken to arrive at a choice of construction material palettes that, while assuming its own identity, also carefully makes referencing to the woodland setting and natural environment. When viewed from across the park the design and materials would complement the wider landscape.

7.3 Impact on Neighbouring Amenity

At a national level, the NPPF has an approach based on the central principle of sustainability through the pursuit of amenity improvements, developments driven by context, long term improvements to the environment and high-quality design. Amenity is also an important consideration of The London Plan (2017) Chapter 7.

Under the Local Plan, the protection of existing amenity arrangements in any area is considered to be an important aspect of determining whether a proposal is acceptable or otherwise. The protection of existing residential amenity is required through good design in new developments which intern promotes quality environments. More specifically Policy DM01 states that proposals should seek to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms of daylight/sunlight, outlook and privacy for existing occupiers. While Policy DM04 under point 'd', states that proposals that are likely to generate an excessive level of noise close to noise sensitive uses, such as residential dwellings, will not normally be permitted.

This is further supported by Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) which provides further guidance on safeguarding the amenities of neighbouring and surrounding residential occupiers. This includes the requirement that there should be a minimum inter-looking distance of around 21 metres between windows of existing habitable rooms and newly proposed facing windows, as well as a distance of 10.5 metres between new windows and any neighbouring garden to avoid overlooking.

Privacy, overlooking and outlook

The application proposes windows within all its elevations. However, the building is some distance away from the nearest residential properties. Therefore, there would be no loss of privacy or outlook.

Noise and general disturbances

Information submitted with the application fails to formally confirm the likely level of light spillage and light pollution to the park in the evenings or during darker months. Therefore a condition will be attached requiring this also. Given the development's location away from residential occupiers any lighting pollution can be easily managed.

Whilst the application would be an intensification of the use at the site, owing to the upgrading of the sports facilities and the introduction of new sports activities, the general use is consistent with the existing character of the site and nearby playing fields. Any noise generated would also be in keeping with this character. Given the location of the proposed building (being just over 100 metres away from the nearest residential unit) it is not considered that any noise generated from the use would carry to nearby residential units in such a way as to create an unacceptable level of harm to their amenity. No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Furthermore, no objections have been raised by neighbouring properties pertaining to harmful noise. The Environmental Health Officer has also commented that there are no significant issues with the development as long as a number of conditions are attached requiring more detailed information to be submitted at a later stage. These conditions relate to acoustic and the future control of noise as well as a Construction Method Statement. These conditions will be attached.

7.4 Trees

Policy DM01 requires that proposals should include hard and soft landscaping that:

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

DM01 further states that trees should be safeguarded and when protected trees are to be felled the Council will, where appropriate, require replanting with trees of an appropriate size and species. This is also supported by the Barnet Local Plan Policy DM16, which elaborates that when considering development proposals, the Council will seek the retention, enhancement or creation of biodiversity.

The Council's Arboricultural Officer has been consulted and confirmed that the proposed café building would be situated away from onsite trees. Therefore the development would have no impact on the existing park trees.

7.5 Sustainability

In keeping with the fundamental practices of the NPPF, the Council's Local Development Plan provides policies to enforce sustainable practices. In particular, Policy CS NPPF states that a positive approach will be taken for developments that have been built to sustainable methods. Policy DM01 of the Local Plan states that all developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. This approach is also echoed by the London Plan at Policy 5.3 where it states that the highest

sustainability standards should be met by all developments. Therefore developments should demonstrate that sustainable design standards have been considered as part of the proposal, construction and day-to-day running of the new building.

A brief sustainable energy statement has been submitted by the applicant within their Design and Access Statement. This states that the development would implement the following sustainable practices:

- Thermal mass floor areas.
- Internal building cooling provide by comprehensive natural ventilation system designed to capture prevailing winds and to make use of “stack” ventilation periods.
- High glazing area for the capture of natural light
- Under floor heating.
- Green roof for biodiversity

While the above goes some way to addressing sustainable practices it fails to confirm compliance with the London Plan requirements.

The London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

The supporting text states that “*Carbon dioxide emissions from new development should be reduced by sustainable use of energy in accordance with the Mayor’s energy hierarchy. The first step in the hierarchy, to reduce energy demand, should be met through adopting sustainable design principles outlined in Policy 5.3. The second step, to supply energy efficiently, should be met by prioritising decentralised energy, as outlined in Policies 5.5 and 5.6. The third step, to use renewable energy, is outlined in Policy 5.7.*”

To help aid this, Policy 5.2 (B) sets minimum targets for the carbon dioxide emissions reduction in buildings that are non-residential. This policy states that non-domestic building developments should meet these targets as per the building regulations requirements. Regulation 26 of the building regulations states that “Where a building is erected, it shall not exceed the target CO2 emission rate for the building...”. Policy CS13 of the Local Plan supports this aim by expecting all developments to be energy efficient and seek to minimise any wasted heat or power. In order to meet these targets it is required that the development submit detailed calculations to the Building Inspector in order for Officers to determine the building emission rate (BER). In the event that members are minded to approve the scheme a condition will be attached to this effect.

7.6 Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) states that the Council will promote the delivery of appropriate transport measures to relieve pressure on the existing infrastructure and support growth, whilst maintaining the level of freedom in terms of public access to these facilities. The Council is also driven by the objective to ensure that any proposed use or development would match the current transport capacity and capabilities at the local. If necessary these will be undertaken via the use of the Community Infrastructure Levy or S106 Legal Agreements. In doing so, the following measures will be prioritised:

- The reduction congestion
- Continued investment in the highways network

- Working with TFL
- The management of parking
- Maintaining road safety
- Encouraging sustainable modes of transport

Policy DM17 states that the Council will ensure that there is safety for all road users and will refuse applications that may lead to safety concerns on the highway or increase risk to vulnerable users. In considering new developments the Council will require the submission of a Transport Assessment where the proposed development is anticipated to have significant transport implications. Developments should be located close to existing public transport links and should encourage their use and if necessary, new routes and services should be created. Cycle and parking provisions should be proposed in line with the London Plan standards.

The applicant has submitted no Transport Statement. This will be secured by condition.

An assessment of the public transport accessibility for Montrose Playing Field identifies a PTAL index of 1 (Very Poor) -3 (Moderate). The PTAL index is due to the site being located away from the nearest bus stops, main road and tube stations. Although the rail network runs along the site it does not stop close to the site. The London Plan Policies 6.1 and 6.9 detail the requirements for car and cycle parking.

Under these policies it is not required that any parking provisions or cycle spaces are required given the overall park use. In addition, Barnet Local Plan also require that no car or cycle parking spaces are required. The Highways Officer has commented that this is in accordance with the London Plan parking standards. Therefore the development complies with policy.

Table 1.1 (below) provides a more detailed look at the parking requirements for the development as set out under the London Plan.

Table 1.1

Requirement type	Note	Requirement	Total Proposed	Fail/Comply
Electric vehicles	<i>London Plan: 20% of all spaces must be for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future.</i>	0	0	Complies
Disabled parking	Disabled parking spaces as per London Plan and Sport England publication 'Accessible Sports Facilities' dated 2010 (see London Plan Policy 6.15)	0	0	Complies
Cycle Parking for ancillary A3 use in Montrose Park.	Table 6.3 Cycle Parking minimum standards for A2- A5 uses- <ul style="list-style-type: none"> • from a threshold of 100 sqm: 1 space per 	0	0	Complies

	175 sqm • from a threshold of 100 s sqm: 1 space per cafes & restaurants 40 sqm			
Car parking requirements	None required for sports facilities.	0	0	Complies

7.7 Refuse and Recycling Storage

Under Policy CS14 of the Local Plan Core Strategy, the Council has taken a proactive approach to dealing with waste production and disposal. It notes that a key component of dealing with waste in a more sustainable way is to find better ways of reducing the amount of waste and taking more responsibility for its disposal, instead of relying on landfill sites such as that in Bedfordshire. The London Borough of Barnet has one of the largest carbon footprints per head of population in London. However it was the first local authority to introduce compulsory recycling in March 2005. As such, it is clear that the Council employs a sustainable approach to refuse and recycling. This approach also forms part of The Mayor of London's objectives. The London Plan (see Policy 5.16 and 5.17) sets a target of working towards managing the equivalent of 100 per cent of London's waste within London by 2031. Meeting this target will require the use of new facilities and technologies.

In keeping with the above, Policy CS14 encourages sustainable waste management practices for all developments by way of waste prevention, re-use, recycling, composting and resource efficiency over landfill. All developments should seek to present waste disposal techniques which are able to meet future needs. The Sustainable Design and Construction SPD provides a detailed minimum requirement for waste provisions stating that "*All non-residential developments should provide a minimum of 10m2 designated waste storage space for materials for recycling, such as paper, glass bottles and jars, cans, cardboard, and plastic bottles*" (p.30).

The waste storage for the building is provided via an enclosure refused area situated close to the kitchen. However no details have been submitted regarding the proposed waste management. For example, how waste will be positioned for collection and where the collection points will be. As such, in the event that members are minded to approve the development, a condition will be attached requiring submission of these details.

8. EQUALITY AND DIVERSITY ISSUES

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

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

For the purposes of this obligation the term "protected characteristic" includes:- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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

Details submitted with the application demonstrate that thought has been given towards wheelchair access, with the provision of two wheelchair spaces as required under Policy 6.2 of the London Plan. The development also includes step-free pedestrian access to the main entrances of the building to ensure that all occupiers and visitors, including wheelchair users of the development can move freely in and around the public and private communal spaces. A lift is provided via the ground floor lobby. The Site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

9. CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in the previous sections of this report it is concluded that on balance the proposed development accords with the relevant development plan policies and represents a sustainable form of development. It is therefore considered that there are no material planning considerations to justify withholding planning approval accordingly, the application is recommended for APPROVAL subject to conditions set out under Appendix 1.

RECOMMENDATION: GRANT WITH CONDITIONS.

APPENDIX 1: CONDITIONS AND INFORMATIVES

TIME LIMIT

1. This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

APPROVED DRAWINGS

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 459 001; 459 108; 459 109; 459 110 and 459 101a

Reason: For the avoidance of doubt and in the interests of proper planning.

CONSTRUCTION MATERIALS

3. Notwithstanding the details shown on the plans hereby approved the development shall not commence (other than for site preparatory or demolition purposes) until details of samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 Policy CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

EXTERNAL LIGHTING

4. Prior to the occupation of the hereby approved building an External Lighting Assessment together with full details, specifications and plans of any proposed external lighting to be installed as part of the development shall be submitted and approved in writing to the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with Policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

HOURS

5. The approved A3 Café use (and associated elements) hereby approved shall not be carried out outside the following times 07.00 to 22:00 Mondays to Sunday, including Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies Policy CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan

REFUSE AND SERVICING

6. Prior to the commencement of the approved works details for refuse collection arrangements and management, as well as servicing shall be submitted to and agreed by the Local Planning Authority. These details shall be implemented as agreed thereafter.

Reason: In the interest of highway safety 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.

RESTRICT NOISE FROM PLAN

7. The level of noise emitted from the building services plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

NOISE FROM AMPLIFIED MUSIC

8. Noise from amplified music played at the Café Hub building hereby approved shall not be audible at the nearest residential premises.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2011.

RESTRICTED USE OF BUILDING

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the approved Class A3 (café) use hereby approved (together with any ancillary uses) shall not be used for any other purposes, including any other use within Use Class A3 of the Town and Country Planning (Use Classes) Order 2015 (as amended).

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises is for community use only and does not prejudice the amenities of future residential occupiers in accordance with Policies DM01 and DM13 of the Barnet Local Plan.

SUSTAINABLE STATEMENT

10. Prior to the commencement of the development a Sustainable Energy Statement in compliance with the London Plan requirements shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail all

proposed sustainable features and practices and the resulting impact on the carbon dioxide reductions and other benefits. The details once approved shall be fully installed and operational prior to the first occupation of the building and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

CYCLE PROVISION

11. Prior to the occupation of the building hereby approved, details for the provision of 2x cycle parking/cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained in connection to the café use 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.

CONSTRUCTION MANAGEMENT AND LOGISTICS PLAN

12. No site works or works on this development including demolition or construction work shall commence until a Construction Management 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 Construction Management 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 and CS14 of the Core Strategy (adopted) September 2012 and Policies DM01, DM04 and DM17 of the Development Management Policies (adopted) September 2012 and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

INFORMATIVES

Canal and River Trust

1. The applicant/developer is advised to contact the CRT Works Engineering Team on 0330 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust". See <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice> The applicant/developer is advised that use of the waterspace requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust regarding the required agreement on 0203 204 4421.

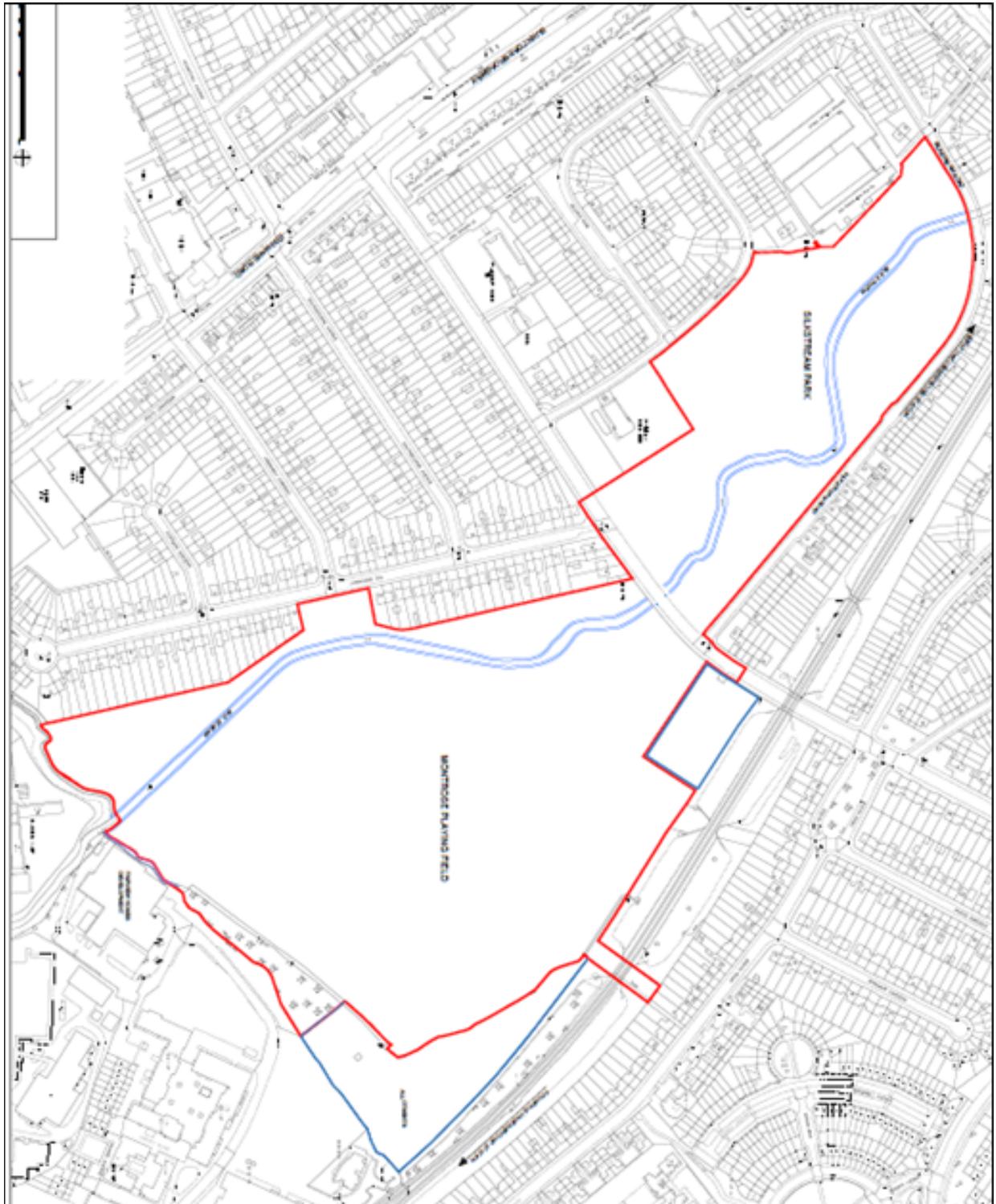
Informative Arb Officer

2. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below. "An overarching recommendation is to follow *BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations* and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."
3. 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.

Background Documents

None.

**SITE LOCATION PLAN: MONTROSE PLAYING FIELDS, MONTROSE AVENUE EDGWARE HA8
REFERENCE: 18/1644/FUL**



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