

<p style="text-align: center;"><u>MEETING</u></p> <p style="text-align: center;">PLANNING COMMITTEE</p>
<p style="text-align: center;"><u>DATE AND TIME</u></p> <p style="text-align: center;">MONDAY 4TH NOVEMBER, 2019</p> <p style="text-align: center;">AT 7.00 PM</p>
<p style="text-align: center;"><u>VENUE</u></p> <p style="text-align: center;">HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG</p>

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	ADDENDUM (IF APPLICABLE)	3 - 10

mainplanning.committee@barnet.gov.uk

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PLANNING COMMITTEE

4th November 2019

AGENDA ITEM 5

ADDENDUM TO SERVICE DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S REPORT

19/0581/RCU – Sweet Tree Fields, Marsh Lane, London, NW7 4EY
Pages 67 – 92

New condition 16 – installation of toilets within the site.

16. Details of the siting, function and appearance of any new toilets to be erected within the site shall be submitted and approved in writing by the Local Planning Authority prior to their installation.

Reason: To ensure that such facilities are effective, do not harm the character and appearance of the green belt and the conservation area and do not affect the amenity of adjoining residents, in accordance with policies DM01, DM04, DM06 and DM15 of the Adopted Local Plan Development Management Policies Development Plan Document (2012).

Objections received following the publication of the committee agenda.

The following objections have been received:

- The unlawful development is inappropriate development in the green belt. Nothing has changed materially since the breach first occurred.
- The extent of public support cannot constitute very special circumstances or justify harmful residential amenity impact.
- Officers have indicated that the scheme is not inappropriate development which contradicts members.
- In order for Members to pass the scheme, they must be satisfied that there is a material change and that the scheme is no longer inappropriate.
- Officers have relied heavily on the agricultural fall back which members have rejected.
- There are too many animals on site which relies on imported feed.
- Too many people on site.
- The presence of kitchen and toilet facilities would be an abnormal feature.
- Excess traffic on the site.
- The activity is not agricultural and does not benefit from exception in the NPPF.
- Members should still consider that there is a loss of openness
- The officer report does not consider the impact on the setting of the listed building.
- Officers have not acknowledged existing biodiversity damage which must be mitigated first before addressing future biodiversity management.
- The development is more akin to a visitor attraction.

Officer response:

The green belt considerations are set out in the officers' report. In summary, it is considered that while there is a change of use to include a care farm activity – which is not a general visitor attraction to which people can attend on a unmanaged voluntary basis – the existing fall back is relevant and the broad range of agriculture could be carried out without any specific planning control – which can include grazing, intensified animal rearing or crop production. There are no controls on vehicles, staff, plant or hours of use in that context.

In addition, in the context of the green belt, agriculture is not in appropriate and neither are buildings inappropriate and should not be subject to a test of openness. Were an application to be made for the use of the land for agriculture, all the buildings which have a relevant use for agriculture can be considered acceptable as they would not have to be assessed for openness. Officers are satisfied that there is no green belt impact.

The development seeks to concentrate use and activity away from the most sensitive locations of the site and introduce active and effective biodiversity management to improve and enhance these qualities and attributes.

The site is accessed from Marsh Lane/Highwood Hill adjacent to the Rising Sun public house which is a grade II listed building. While the access adjoins the listed building, the activities and related structures are located 165 metres away at a much lower land level screened by trees. There is no visual connection and the use and structures are not within the setting of the listed building. Other site curtilages separate this site from the listed building eliminating any impact to the setting, interest and significance of this heritage asset.

The following objection has been received:

1. The current application does not pass the various required tests for approval despite becoming subject to conditions which have only been disclosed to parties today.
2. Previous applications that similar (if not the same in nature) have been recommended for refusal
3. Strenuous arguments that the applicants actual "use" is agriculture and care farming and petting zoo is NOT suitable at the site due to noise/ traffic/adjacent to neighbours and general interference/destruction of the Green Belt
4. Failed to show that the use appropriate for a Green Belt site of which there is a significant hurdle to overcome in demonstrating this
5. Applicant has shown that he has failed to use the site within the law and been in breach of planning for years, along with LBB failure to enforce the breaches
6. The application is heavily conditioned and unsure who is going to police these conditions and the applicant has not shown himself responsible to manage the use within the law previously.
7. Appears to be a very biased report given that it ignores substantially evidence that has been submitted previously in respect of animal keeping, noise/traffic etc and the new conditions do NOT mean that consent should be granted
8. The new planning conditions imply that 45 people on site 365 days pa (weekends and public holidays included) in a residential area DIRECTLY backing onto people's gardens is acceptable alongside noise from animals and participants, dust, vehicular disturbance being ignored, as are residents' rights to peaceful enjoyment of their homes/gardens.

Officer's response:

These matters are addressed within the officers' report and the addendum.

The following objection has been received:

There are very valid reasons to object and I note these briefly;

- There are no special circumstances for this degradation of the Green Belt
- There has been no evidence submitted as to potential other sites that have been considered
- There is negative ecological impact
- There are transport, traffic impact and safety issues related to the application
- There is noise nuisance to adjoining residential neighbours

Officer's response

These matters are addressed within the officers' report and the addendum.

19/2897/FUL – Imperial House, The Hyde, London, NW9 5AL
Pages 93 - 146

The following amendments (underlined) are made to the proposed Heads of Terms within Recommendation II:

4. Employment and Training

The applicant would be required to enter into a Local Employment Agreement with the Council which will meet as a minimum the contributions agreed in the previous consents.

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with SPD guidance.

The obligation will also include a separate financial contribution towards the loss of employment floorspace.

10. Contribution towards street tree provision

A contribution of £3,000 (5 trees) towards the new provision of street trees in the immediate area.

11. Eligibility Priority for Barnet Council employees

The applicant is proposing a clause which would give 6 priority spaces on Hyelm's waiting list which would be allocated to Barnet Council employees should they apply and meet Hyelm's criteria for accommodation. Up to 6 priority spaces could be provided every 2 years.

If there is no space currently available, they would be housed as a priority when a space becomes available.

The following amendments (underlined) are made to the proposed conditions within Recommendation III:

1. **Approved plans**

Plan IHC-P302-S2-P0 (Proposed Section CC & DD)

4. **Materials**

- a) No development above slab level shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

7. **Archaeology**

- a) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation 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 Part A, then the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation 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 Part (b).
- d) The development shall not be occupied 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 Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

9. **Drainage**

The development (other than demolition) shall not begin until the following information has been submitted to and approved in writing by London Borough of Barnet local planning authority. The scheme shall subsequently be implemented in accordance with the approved details:

- Evidence of Thames Water agreed rate of discharge to their system;

- Thames Water has indicated in their letter dated 18th April 2019: Evidence should be provided to confirm that the size of the proposed attenuation tank on the site cannot be increased to reduce the discharge rate of the proposed surface water pump station to less than 5l/s. If this can be shown then we would have no objections to the proposals to discharge at a maximum of 5l/s.
- Evidence of Thames Water agreement for saddle connections to their system; (in principle / consent to discharge);
- Evidence of attenuation volumes calculated 50% drain down time for the proposed underground attenuation storage (note: plot of volume/time graph would provide the information);
- Appropriate design rainfall using the latest Flood Estimation Handbook (FEH, 2013). (Submitted Micro-Drainage outputs show Flood Studies Report (FSR, 1975) design rainfall has been used);
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- Detailed drainage design for construction;
- Surface water pump maintenance schedule.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development 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 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

12. **Noise Mitigation**

a) No development above slab level shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor commercial use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and 7.15 of the London Plan 2016.

13. Noise Report

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

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy 7.15 of the London Plan 2016.

14. Noise Mitigation Measures

a) No development above ground floor slab level shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise/mixed use has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

37. M4(2) and M4(3) Accessibility

Prior to the first occupation of each of the new dwellinghouse(s) (Use Class C3) hereby approved they shall individually 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.

38. Prior to the first occupation of the final building within the development (Block A, B or C) hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 41.1% 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 (2016) and the 2016 Mayors Housing SPG.

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