

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**THURSDAY 30TH JULY, 2020**

**AT 7.00 PM**

**VENUE**

**VIRTUAL MEETING  
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**TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Stephen Sowerby MA  
Vice Chairman: Councillor Wendy Prentice

Laurie Williams  
Richard Cornelius

Roberto Weeden-Sanz  
Reema Patel

Tim Roberts

**Substitute Members**

Alison Cornelius  
Thomas Smith  
Lisa Rutter

Paul Edwards  
Jo Cooper

Pauline Coakley Webb  
Julian Teare

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

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**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: [chippingbarnet@barnet.gov.uk](mailto:chippingbarnet@barnet.gov.uk)

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Woodside Park Underground Station, Station Approach, London, N12 8SE (Totteridge)	11 - 54
7.	Jewish Community Secondary School Castlewood Road Barnet EN4 9GE (East Barnet)	55 - 76
8.	Friern Court Friern Barnet Lane London N20 0NJ (Totteridge)	77 - 108
9.	Land North Of Totteridge Academy Barnet Lane London N20 8AZ (Totteridge)	109 - 142
10.	Land Rear Of Woodland Drive And West Walk, East Barnet, Barnet (Brunswick Park)	143 - 150
11.	The Spinney 22 and The Ridge 28 Hendon Wood Lane, London NW7 4HR (Totteridge)	151 - 158
12.	Any item(s) the Chairman decides are urgent	





# Decisions of the Chipping Barnet Area Planning Committee

13 July 2020

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Chairman)  
Councillor Wendy Prentice (Vice-Chairman)

Councillor Laurie Williams      Councillor Roberto Weeden-Sanz  
Councillor Richard Cornelius      Councillor Tim Roberts  
Councillor Reema Patel

## 1. CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, explaining the procedure for holding this virtual meeting.

He also explained that he had withdrawn agenda item 10 (Jewish Community School) from the agenda, pending a site visit.

## 2. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 10 June 2020, be agreed as a correct record.

## 3. ABSENCE OF MEMBERS (IF ANY)

None.

## 4. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

## 5. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

## 6. ADDENDUM (IF APPLICABLE)

Items contained within the addendum, would be dealt with under individual agenda items.

## 7. DEVELOPMENT AT REAR OF NO. 252 AND 254 EAST BARNET ROAD. BARNET EN4 8TF (EAST BARNET)

The Committee received the report.

Representations were heard from Kirsteen Cook (Objector) and the agent.

The Governance Officer also read out a statement by Councillor Byers, as he wasn't present in person.

The meeting was adjourned at 7.30pm for a short period as Councillor Roberts couldn't be heard due to technical difficulties. The meeting recommenced once the problem had been resolved.

The Committee voted on the officer recommendation to **REFUSE the application, subject to the reasons detailed in the report.**

For (refusal)	4
Against (refusal)	2
Abstained	1

**RESOLVED** that the application be refused for the reasons detailed in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make minor alterations, additions or deletions to the recommended reasons for refusal as set out in this report provided the 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 approved by the Committee).

#### 8. 65 YORK ROAD BARNET EN5 1LN (OAKLEIGH)

The Committee received the report and addendum.

A representation was heard from Mrs Fiona Summers (Objector).

The Committee voted on the Officer recommendation to approve the application subject to the conditions detailed in the report.

For	6
Against	1
Abstained	0

**RESOLVED** that the application be approved, subject to the conditions detailed in the report, the addendum **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and 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 approved by the Committee).

**9. 28 PROSPECT ROAD BARNET EN5 5AL (HIGH BARNET)**

The Committee received the report.

Representations were heard from Helen Morrison (Objector), Louise Webber (Objector), Councillor Longstaff and the Agent.

The Committee voted on the Officer recommendation to approve the application, subject to the conditions detailed in the report and the addendum:

For	0
Against	7
Abstained	0

It was proposed by Councillor Sowerby and seconded by Councillor Prentice that the application be **refused** for the following reasons (with detailed reasons for refusal delegated to Officers):

The proposed development by reason of its size, siting, bulk, design, massing and loss of front garden to an extensive hardstanding area would result in an inappropriate development of the site. The proposal would be unduly obtrusive, out of scale, overly dominant and appear as a prominent and intrusive feature within the street scene, with its prominence exacerbated by its excessive footprint and projection to front and rear of the established building lines. The proposal would be significantly larger than the existing building which would be detrimental to the character and appearance of the site, the immediate locality and the street scene and would not relate sympathetically to the adjacent properties contrary to policies 7.4 of the London Plan (2016); policy CSNPPF, CS1 and CS5 of the adopted Local Plan Core Strategy (2012) and policy DM01 of the adopted Development Management Policies (2012) and the Residential Design Guidance SPD (2016),

The proposal would result in the loss of a single-family dwelling house in a road characterised by houses contrary to policies CS4 and CS5 of the Adopted Local Plan Core Strategy 2012, policies DM01 and DM08 of the Adopted Development Management Policies DPD 2012; adopted Supplementary Planning Documents on Sustainable Design and Construction and Residential Design Guidance (2016), and the Direction of the Secretary of State for Housing, Communities and Local Government (March 13<sup>th</sup> 2020) (under section 337 of the Greater London Authority Act 1999) to the Mayor of London to modify Draft London Plan policy H10.9 that in determining the appropriate mix of unit sizes regard should be made to the need for additional family housing and the role of one and two bed units in freeing up existing family housing.

For (refusal)	7
Against (refusal)	0
Abstained	0

**RESOLVED** that the application be refused for the reasons detailed above.

**10. 19 HARMSWORTH WAY LONDON N20 8JT (TOTTERIDGE)**

The Committee received the report.

The Committee voted on the Officer recommendation to approve the application, subject to the conditions detailed in the report, plus a condition relating to tree protection as identified by Officers and a condition requested by the Committee to replace the tree 'like for like' if it dies:

For	5
Against	2
Abstained	0

**RESOLVED** that the application be approved, subject to the conditions detailed in the report, the additional conditions detailed above **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and 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 approved by the Committee).

**11. JEWISH COMMUNITY SCHOOL, CASTLEWOOD ROAD EN4 9GE (EAST BARNET)**

Withdrawn by Chairman, pending a site visit.

**12. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 8.45pm





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<b>Location</b>	<b>Woodside Park Underground Station, Station Approach, London, N12 8SE</b>	<b>AGENDA ITEM 6</b>
<b>Reference:</b>	<b>19/4293/FUL</b>	Received: 2nd August 2019 Accepted: 13th August 2019
<b>Ward:</b>	Totteridge	Expiry 12th November 2019
<b>Applicant:</b>	Pocket Living Woodside Limited	
<b>Proposal:</b>	Redevelopment of site to provide 86 affordable self-contained flats (Use Class C3) within 2 x five storey blocks including roof terraces with associated amenity space, hard and soft landscaping, refuse storage, cycle parking and wheelchair accessible car parking	

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

**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. **Affordable Housing**

All units shall be affordable adhering to the following obligations below:

- Eligible Persons Priorities List with the Council prior to first marketing and for first five months of initial sales; followed by a further three months of marketing to those that live or work within the Borough;
- Marketing Plan with the Council to market the affordable units for a period of 6 months to Eligible Persons who have lived or worked within the London Borough of Barnet for a minimum period of 3 months.
- The sale of dwellings to eligible persons for no more than 80% open market value;

4. **Controlled Parking Zone (CPZ Review and Implementation) and/or Highways Improvements**

Contribution of £45,000 towards the review and Implementation of CPZ and / or highways improvements within the vicinity of the development in order to mitigate against any traffic impacts of the Development;

5. **Residential Parking Permit Restrictions**

Contribution of £2,022 towards amending the Traffic Management Order (TMO) to prevent future occupiers from obtaining a parking permit in the event the CPZ is implemented.

6. **Travel Plan and Monitoring**

Within 3 months of occupation, a Residential Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car travel modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan.

Contribution of £5,000 towards monitoring of Travel Plan.

7. **Car Club Provision**

Contribution of £5,000 towards implementation of an on-street car club bay and a car club scheme for the site and free 3 years car club membership for all occupants of the development

8. **Employment and Enterprise**

The applicant would be required to enter into a Local Employment Agreement with the Council.

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.

9. **Carbon Off-set**

A carbon offset contribution of £70,601.89

10. **Section 106 monitoring**

A contribution of £2,646.06 towards the monitoring of the S106 agreement.

## RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control:

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

0001 (Site Location Plan)  
0002 (Existing Site Plan)  
0003 (Block Plan)  
0200 Rev A (Proposed Ground Floor Plan)  
0201 (Proposed 1st - 4th Floor Plan)  
0202 (Proposed Roof Plan)  
0301 (Proposed Floor Plans Building A)  
0302 (Proposed Floor Plans Building B)  
0500 (Contextual Sections)  
1400 Rev A (Building A Elevations West)  
1401 Rev B (Building A Elevations North & South)  
1402 Rev B (Building A Elevations East)  
1403 Rev A (Building B West)  
1404 Rev B (Building B Elevations North & South)  
1405 Rev A (Building B Elevations East)  
1406 Rev A (Proposed Contextual Elevations 1)  
1407 Rev A (Proposed Contextual Elevations 2)

PLL-WPB HTA-L 00 DR 0904 (Levels and Falls Plan)  
31114/AC/020 (Swept path analysis of 10.5m refuse vehicle turning within site)  
C-001 P01 (Flood Flow Paths)  
Greenfield runoff estimation for sites  
Storm Sewer Design

Arboricultural Impact Assessment and Method Statement  
Air Quality Assessment  
Construction Logistics Plan  
Contamination Assessment  
Daylight & Sunlight Report (Neighbouring Properties)  
Daylight & Sunlight Report Addendum (Neighbouring Properties)  
Daylight & Sunlight Study (dated 03.04.20)  
Daylight and Sunlight Study (within Development)  
Design and Access Statement  
Drainage Strategy  
Ecological Impact Assessment  
Energy Statement  
External Lighting Strategy  
Heritage Statement  
Heritage Statement Update  
Landscape Masterplan  
Noise and Vibration Assessment  
Parking Note  
Phase 1 Environmental Study  
Planning Statement  
Planning Addendum  
Planting Strategy  
Travel Plan

## Tree Report

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 a) Before the relevant parts of the works are begun, 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.

- 4 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors' compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016)

and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 a) Before the relevant part commences details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 6 Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy prepared by Whitby Wood (ref: P4500195-REP-001) dated February 2019 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 7 a) The submitted Air Quality Assessment shows that the site does not conform to the air quality neutral benchmark for building emissions. A scheme to mitigate offset the excess emissions of 17.3 kgNO<sub>x</sub>/yr shall be submitted to and approved by the Local Planning Authority prior to occupation of the development.

b) The approved measures 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 2016.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development

Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy 7.15 of the London Plan 2016.

- 9 The level of noise emitted from ventilation/ extraction 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 2016.

- 10 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 October 2016) and 5.21 of the London Plan 2016.

- 11 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 12 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 prior to the occupation of the hereby approved development.
- 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 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 October 2016) and 7.21 of the London Plan 2016.

- 13 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 and telecommunications) 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 2016).

- 14 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 2016.

- 15 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 17 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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 2016.

- 16 Prior to the first occupation of the development, the proposed cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and such 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.

- 17 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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

- 18 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development shall not be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

Construction SPD (adopted October 2016).

- 19 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 20 Prior to the occupation of the development, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority detailing the type, design, lux levels of proposed external lighting as well as measures to control glare. The External Lighting Assessment submitted shall detail the existing and proposed average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to both neighbouring residential properties as well as residential properties within the proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to first occupation.

Reason: To ensure the development provides adequate amenities of neighbouring residential properties as well as the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan.

- 21 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 22 The development shall proceed and be carried out in strict accordance with all the findings and recommendation of the Ecological Impact Assessment (ACD Environmental, 10.07.2019), including mitigation measures, ecological enhancements, provision of swift box and proposed lighting strategy.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 23 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

landscaping scheme.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 24 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.

- 25 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 26 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 37% 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.

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

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

- 28 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate how such building or such parts of a building seek to apply the principles of Secured by Design'.

b) The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

29 a) Prior to the commencement of the development hereby permitted, a reptile survey shall be undertaken by an appropriately qualified person and a survey report shall be submitted to, for the written approval of, the local planning authority, which shall include details of mitigation measures in the event that reptiles are found.

b) Mitigation shall be carried out, where necessary, in accordance with the approved details.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

30 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a parking layout plan showing the exact dimensions of the proposed two disabled parking spaces on Station Approach shall be submitted to and approved in writing by the Local Planning Authority. Should a person eligible for a blue badge purchase a residential unit within the development hereby permitted these parking spaces shall be made available and 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.

31 The applicant shall carry out a "before" and "after" condition survey of the agreed route (i.e. 50m distance from the site entrance to the west of Woodside Park Underground Station) to be utilised by all construction traffic.

a) The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development.

b) The "after" survey shall take account of ongoing construction works along Holden Road and be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority or where this relates to Station Approach, by Transport for London. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey, which is a result of the development hereby approved and not caused by other construction works within the vicinity of the site, shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

## RECOMMENDATION III:

- 1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 30.09.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
  1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS5 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
  2. The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and its therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Local Plan Core Strategy (adopted September 2012) and policy DM17 of the Adopted Development Management Policies DPD.
  3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012), and policy DM04 of the Adopted Development Management Policies DPD.

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

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

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 5 The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planningyour-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
- 6 The submitted Construction Method Statement shall include as a minimum detail of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.



Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 9 The applicant is advised of the following ecological advice matters:

Slow-worm and hedgehog are known to utilise residential gardens, therefore, to assure they can attain access to the proposed soft landscaping it is recommended that each stretch of boundary fencing has a 5sq" hole cut at the base so as not to reduce connectivity for these species in the local area;

Climbers such as jasmine *Jasminum officinale* and honeysuckle *Lonicera periclymenum* are to be planted on boundary fences and proposed properties to provide additional value for invertebrates and foraging bats. The planting strategy supplied by hta and includes a wildflower meadow and native shrub planting should be undertaken.

Three Terraced Sparrow Boxes or Schwegler 1SP Sparrow Terrace Boxes (dependent on whether integrated or external fixtures are preferred) are to be installed. The boxes are to be installed on properties, facing north or east exclusively, and at least 3m from the ground, away from window ledges; o One Habitat Bat Box or similar is to be installed. This box is to be installed on properties, facing north or east exclusively, and at least 3m from the ground, away from window ledges; and At least three discrete Bug Boxes<sup>24</sup> are to be installed along the western boundary tree line, within the proposed shrub planting, and well hidden from the public to prevent vandalism.

Additional hibernacula can be incorporated into the proposals in the form of wooden compost bins that provide opportunities for slow-worm to enter/egress and one large hibernaculum situated at the south site boundary.

- 10 It is requested by the Committee Members that applications to satisfy condition 3 (Materials) and condition 12 (Hard and Soft Landscaping) be referred back to CB Area Planning Committee for determination.

## Officer's Assessment

This application was previously heard at the Chipping Barnet Area Planning Committee on 7th January 2020, where the committee voted to approve the application subject to the completion of a S106 agreement.

Following the receipt of new information since the committee approval which comprised of a late representation from the developer of the St Barnabas Church site and the submission of a revised Daylight / Sunlight report from the applicant, Officers consider it necessary that the application be referred back to the Chipping Barnet Area Planning Committee.

### 1. Site Description

The proposal site is located on a narrow section of land to the south-west of Woodside Park London Underground Station. It measures approximately 0.25 hectares (Ha) and was previously used as a storage facility with a number of shipping containers and other storage. The southern part of the site was previously occupied by 2no single storey buildings and were utilised and occupied by St Barnabas Church. The site has now been cleared and the buildings removed.

The site is accessed via Station Approach, off Holden Road to the north of the site. The eastern boundary of the site is bounded by the underground tracks, with the western boundary backing onto the back gardens of Holden Road and the former St Barnabas Church building.

The topography of the site is such that level falls by 4 metres from north to south and falls from the eastern boundary where the railway line is elevated by approximately 3 metres.

The site has a Public Transport Accessibility Level (PTAL) of 3 and is located adjacent to Woodside Park Station (underground/ TfL). North Finchley Town Centre is located approx. 500 metres to the east.

The site is located within the ward of Totteridge and is not located within a conservation area nor within the setting of a listed building. The site is located in Flood Zone 1. There are two Locally Listed Buildings adjacent to the site; Woodside Park Tube Station to the north-east and St Barnabas Church to the south-west.

There is 1no tree on the corner of the proposed new access point and Station Approach which is safeguarded under a Tree Preservation Order (TPO).

### 2. Site History

Reference: 19/1809/FUL

Address: Woodside Park Underground Station, Station Approach London N12 8SE

Decision: Refused

Decision Date: 31.07.2019

Description: Redevelopment of site to provide 86 affordable self-contained flats (Use Class C3) within 2 x five storey blocks including roof terraces with associated amenity space, hard and soft landscaping, refuse storage and cycle parking.

#### Related site history of St. Barnabas Church and No.42 Holden Road

Reference: 19/6142/S73

Address: St Barnabas Church, Holden Road, London, N12 7DN

Decision: Approved subject to conditions

Decision Date: 23.04.2020

Description: Variation of condition (Approved Drawings) pursuant to planning permission 17/6932/S73 dated 13/08/2019 for " Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/5632/S73 dated 29/09/2017 for `Conversion of the existing St Barnabas Church from Use Class D1 (community use) to Use Class C3 (residential) comprising 21 flats and four floors,

along with associated external alterations. Demolition of the existing bungalow at 42 Holden Road and construction of a three storey plus lower ground floor building comprising 9 residential flats and car parking, provision of private and shared amenity space, cycle and bin stores and other associated works.' Amendment to include reconfiguration of internal layout with associated alterations to windows

Reference: 17/6932/S73

Address: St Barnabas Church, Holden Road, London, N12 7DN

Decision: Approved following legal agreement

Decision Date: 13.08.2019

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/5632/S73 dated 29/09/2017 for 'Conversion of the existing St Barnabas Church from Use Class D1 (community use) to Use Class C3 (residential) comprising 21 flats and four floors, along with associated external alterations. Demolition of the existing bungalow at 42 Holden Road and construction of a three storey plus lower ground floor building comprising 9 residential flats and car parking, provision of private and shared amenity space, cycle and bin stores and other associated works. ` Amendments include internal reconfiguration of residential floorspace within church, change to unit mix, rooflight changes and provision of additional outdoor amenity space.

Reference: 16/5632/FUL

Address: St Barnabas Church, 42 Holden Road, London, N12 7DN

Decision: Approved following legal agreement

Decision Date: 29.09.2017

Description: Conversion of the existing St Barnabas Church from Use Class D1 (community use) to Use Class C3 (residential) comprising 21 flats and four floors, along with associated external alterations. Demolition of the existing bungalow at 42 Holden Road and construction of a three storey plus lower ground floor building comprising 9 residential flats and car parking, provision of private and shared amenity space, cycle and bin stores and other associated works.

In addition to the above, there are a number of conditions applications relating to this site and the above approvals. These are detailed and found on the Council's Planning website.

### **3. Proposal**

Planning permission is sought for the erection of 2no. five storey buildings comprising 86 one-bedroom one-person residential units (Use Class C3), with associated communal and private amenity space, cycle store and refuse, recycling stores and two wheelchair accessible parking spaces.

The proposed scheme is classified as affordable housing under the National Planning Policy Framework (NPPF) and will be delivered by Pocket Living, who are a private developer providing intermediate affordable housing. Pocket's provision of affordable housing will be explained in further detail in the affordable housing section of the report.

The proposal comprises of two buildings (Blocks A and B) which would both be 5 storeys in height. The blocks would be constructed from red brick which would be varied across the blocks in terms of colour, orientation and angle. Large floor to ceiling windows would be provided to serve the living areas and bedrooms of each unit and to the communal areas. Juliet balconies would be provided only along the northern elevation facing onto Station Road.

The development proposes a series of communal outdoor spaces through a central courtyard between the blocks and separate roof terraces on top of each block. In addition, new and improved landscaping is proposed along the east and western boundaries.

The site entrance to the north would be retained and improved, leading down to the central courtyard where the entrances to both buildings are located. The necessary plant and refuse stores are located to the east façade to provide as much active frontage to the entrance and courtyard as possible. The scheme would provide the ability to provide two wheelchair accessible spaces if required and

bike stores accommodating 90 cycle spaces would be provided.

A previous application was refused by the Chipping Barnet Area Planning Committee at the meeting of 15th July 2019. This application seeks to address the reasons for refusal. In terms of this application, the following material alterations/amendments have been made since the refusal in July 2019:

#### *Design and external appearance*

- Use of warmer, redder brick colour, similar to that used for St. Barnabas Church;
- A lighter band of soldier course at every level, reflective of the stone horizontal bands;
- Vertical Soldier courses after every two windows, reflective of the vertical buttresses;
- Corbelled brick to the upper level like the corner of the station roof eaves.

#### *Parking*

- Provision of 2 disabled car parking spaces if required to be installed;
- Payment of £45,000 towards the review and implementation of a Controlled Parking Zone (CPZ) and/or highways improvements within the vicinity of the development in order to mitigate against any traffic impacts of the Development;
- Payment of £2,022 towards amending the Traffic Management Order (TMO) to prevent future occupiers from obtaining a parking permit in the event of the CPZ being implemented;
- Contribution of £5,000 towards implementation of an on-street car club bay
- Introduction of a car club scheme to the area and free 3 years car club membership for all occupiers of the development. The car club would also be accessible to the surrounding area.

#### *Supporting documents*

- Updated heritage report and addendum to address the impact on the setting of the Locally Listed St Barnabas Church;
- Updated Daylight / Sunlight Report which assesses the impact on the various extant permissions of the adjacent St Barnabas Church re-development.

#### **4. Public Consultation**

Upon validation of this application on 13/08/19, consultation letters were originally sent to 345 neighbouring properties.

Following the submission of amended plans which comprised of the above mentioned external design and appearance revisions, a period of re-consultation was undertaken on the 17/10/19.

A late representation was received, after the 7th January 2020 Committee meeting at which the resolution to approve the application was passed, from the developer of St Barnabas Church adjoining the application site.

Following the committee resolution, the submission of the above representation and a revised Daylight / Sunlight reports which assesses the impact upon the three permissions for the neighbouring church development: permissions 17/6932/S73 and 19/6142/S73 relating to St. Barnabas Church, a new consultation period was undertaken on 02/06/20.

Overall, 70 responses have been received, comprising 56 letters of objection and 14 letters of support. This does include multiple letters from the same household as a result of the re-consultation periods.

The objections received against the application as a whole can be summarised as follows:

- Contrary to Barnet's Core Strategy and Development Management Policies and Residential Design Guidance SPD;
- No substantial changes to previous application;
- Overdevelopment and density out of scale;
- Excessive height which is not in keeping with the surrounding area;
- Design and external appearance is not reflective of surrounding area;
- Overprovision of flats in this area;
- Impact on the setting of the locally listed St Barnabas Church and Woodside Park Station. Loss of view of the church from the station;
- Not affordable units;
- Provide poor amenity and quality of life for future residents;
- Loss of neighbouring amenity;
- Overlooking;
- Loss of outlook;
- Reduction of daylight / sunlight levels;
- Increased noise and pollution;
- Cumulative impact with nearby developments under construction;
- Holden Road is already at capacity in terms of parking, access and thoroughfare;
- Traffic is a constant problem with restrictive street parking;
- Disagree that the future occupier will have no cars;
- Disruption construction period;
- Additional congestion;
- Disabled residents will continue to be discriminated against;
- Impact on existing trees;
- Strain on local infrastructure;
- No benefit to existing community;

The representations received from the developer of St Barnabas Church can be summarised as follows:

- Proposed amendments are minimal compared to the refused scheme
- Non-submission of verified views;
- Height of block B would exceed the height of the existing St Barnabas Church and would dominate the St Barnabas building;
- Previous submitted Daylight / Sunlight report did not consider the more recent S73 applications;
- Windows on the rear elevation of the St Barnabas are principal windows;
- BRE requirements for rooms would not be met within St Barnabas Church;
- There is no significant and mature planting along the site to limit or screen views from the application site to the St Barnabas site;
- Inaccurate distances within the report in relation to separation of proposed building and St Barnabas Church;
- Officers failed to consider all the criteria within Barnet policy DM06;
- Identification of an alternative scheme which addresses the concerns of the developer of St Barnabas Church

The letters of support received can be summarised as follows:

- Plans are sympathetic to the character of the local area and redevelop poorly used land in a sustainable location for affordable housing;
- Take advantage of the underused and unkempt land beside the station;
- Provision of much needed affordable housing;
- Important to provide homes to own for people on moderate incomes which will enable people to stay in the borough;
- Hard to become a home owner in the borough;
- Allow people on moderate incomes to stay in the borough; and
- The site is extremely well served by public transport.

An objection has been received from **Theresa Villiers MP** prior to the January 2020 committee who comments:

*"Following the refusal of the previous application relating to the development of the above site, I have been informed that a further application to develop this land has been submitted.*

*However, while I understand that the new plan addresses one of the reasons for refusal, I remain concerned about the proposals because they are still an overdevelopment of the site and out of style and character with the area.*

*The developers state that the development will be car-free, with the exception of 2 wheelchair accessible car parking spaces, aiming to encourage future residents to travel to and from the site using sustainable modes of travel. While this is a laudable aim, I find it difficult to believe that the majority of residents will be content to use a bicycle. How will this be enforced?*

*Therefore I believe that my comments on the previous application about the parking pressures in the local vicinity are still relevant. Additionally, given the fact that the number of residential units has not been reduced, I remain opposed to the development of this site and believe that the application should be refused."*

#### Responses from External Consultees

##### **Metropolitan Police (Secure by Design)**

I do not wish to object to this specific proposal but if planning is approved and due to comments raised, I would respectfully request the inclusion of a planning condition whereby this proposal must achieve Secured by Design accreditation prior to occupation.

##### **Thames Water**

With regard to Foul Water sewage network and surface water infrastructure capacity, we would not have any objection to the planning application.

##### **Transport for London**

###### Noise and Vibration

The site adjoins Woodside Park Underground Station, which is served by the northern line. Draft London Plan Policy D12 makes reference to the Agent of Change principle, which places responsibility for mitigating the impacts from existing noise-generating activities or uses on proposed new noise-sensitive development with the applicant/developer. TfL cannot be responsible to the tenant or anyone using the land for any nuisance, disturbance, annoyance or inconvenience (howsoever caused) arising in consequence of or in relation to the operation of the Transport Undertaking or anything arising from this station. Therefore, the applicant will need to demonstrate to TfL how this development will comply with this policy.

Taking the above into consideration, TfL request that approval at this site is conditional on entering into an agreement requiring protective measures in such a format as TfL specifies to adequately protect the Transport Undertaking and the Transport Assets in carrying out any works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network. The tenant cannot limit or affect the rights of TfL to deal with its adjoining land and Transport Assets or be entitled to make any objection or complaint in respect of any noise, vibration or discharge or any electromagnetic disturbance from the Transport Assets arising from the operation of the Transport Undertaking. It is considered that the Noise and Vibration assessment should be revised to include an allowance for future worsening (night time operation and track ageing).

It is useful to highlight that since the previous application; the applicant has been engaging with TfL on the above matter and have committed to entering into an agreement to protect TfL from future

claims regarding noise from transport operations and maintenance at Woodside Park. This agreement should be secured through condition. Furthermore, Pocket have also confirmed that the design of the building will make allowances for current noise levels and potential future increases due to 24 hour running and track ageing to ensure that the new homes are comfortable and reduce the probability of complaints being raised.

Any items placed within 3m of the boundary should be easily removable for maintenance of the boundary fence and TfL structures. TfL are concerned about the management of the façade facing the railway. Further information on how this will be maintained needs to be provided, and agreed with TfL.

### Car Parking

The proposed development will be car-free, with the exception of two wheelchair accessible car parking spaces. Draft London Plan Policy T6 requires the starting point for all proposals in places that are well connected by public transport to be car-free. While the site is in an area of PTAL 3, it is immediately adjacent to Woodside Park Underground station, which provides access to Northern line services. This provides direct connections to a range of destinations including Finchley Central, Archway, Camden Town and central London along both the Charing Cross and Bank branches. The station also offers Night Tube services, while the amenities of North Finchley town centre are within walking distance.

Given the proximity of the site to the station and the connectivity this offers, the proposals for no general car parking are strongly supported and is considered to be in line with the aims of the draft London Plan and the Mayor's Transport Strategy. The development should be supported by the implementation of a CPZ in the area surrounding the station to ensure that car-dominance is not increased in line with the Healthy Streets approach. Residents of the development (other than Blue Badge holders) should not be eligible to apply for parking permits. This should be secured via an agreement under section 16 of the Greater London Council (General Powers) Act 1974.

Two disabled car parking spaces are proposed to serve the development, which is an increase in provision from the previous application. The draft London Plan policy requires spaces for three percent of dwellings from the outset, which in this case would round up to three spaces. TfL acknowledges the site is significantly constrained by the railway line, associated operational infrastructure and space for servicing which limits the options for the additional space to be provided on site. Given that any alternative proposals would not be able to provide an additional space, the scheme's high level of affordable housing is likely to outweigh any dis-benefits from not providing the space from the outset. Consideration should also be given to the probable occupier profile of the proposed development, which has been identified within the applicant's Planning Statement (Chapter 6). However, the applicant should closely monitor demand for the two spaces, and, should they both be in use, engage with TfL and Barnet to explore options for further provision, such as reviewing operational practices around the station to release land or providing a further space on-street. One space should provide an electric vehicle charging point, with passive provision for the other space. This should be secured through condition.

### Cycle Parking

TfL notes that 86 long stay cycle parking spaces and 4 short-stay cycle parking spaces are proposed to serve the development. This is in accordance with draft London Plan policies and is welcomed. All cycle parking on this site should be designed in accordance with London Cycling Design Standards (LCDS), with at least 5 per cent of spaces being able to accommodate larger cycles.

It is noted that there is no change in the location of cycle parking since the previous application. Sufficient justification was provided as to the location of cycle parking as part of the applicant's response to TfL's comments on the previous application.

### Responses from Internal Consultees



### **Arboricultural Officer**

There are no Arboricultural reasons to object to this application and the development is in accordance with local planning policy DM01.

### **Affordable Housing**

The development is supported by the Council's Director of Growth and Head of Housing Strategy, Growth & Development and therefore the development is supported from an affordable housing basis.

### **Drainage / SUDS**

No objection subject to a condition requiring the submission of a surface water drainage scheme.

### **Ecology**

This EclA report has set out mitigation aimed at ensuring no net loss in biodiversity and no adverse effects on protected species, to support the planning application. The mitigation will ensure compliance with relevant legislation and policy. The recommended enhancements in the form of wildflower meadow creation, new tree and hedgerow planting, wildlife beneficial borders, compost bins and bat and bird boxes will provide a net gain biodiversity in accordance to NPPF and Local Planning Policy.

### **Environmental Health**

#### Air Quality

Due to the size of the site it is necessary to have a number of extra air quality conditions.

The site is next to a busy tube line railway. It is relatively far away from road traffic and other noise/air sources of pollution. The taxi rank Abetta cars does operate all night and has received complaints of noise. A noise report is conditioned.

I have read the air report. This has been carried out already and the scheme has been found to be compliant with benchmarks for travel but exceeding benchmark for heating; therefore, a detailed scheme of mitigation is advised within the report' conclusion, but not provided in detail. Otherwise, the report is acceptable. Therefore, I am still including a condition for air quality neutrality assessment because although the results are available there has been no detailed mitigation which will need to be added to the updated report. I have also included a condition for the CHP assessment and air quality report but this does not need to be updated.

#### Noise

Conditions will be attached to ensure the concerns relating to noise in the vicinity from the trains are addressed.

### **Conservation Officer**

It is not felt that the proposed changes to the materials and appearance of the blocks can be considered, in any way, to have overcome the Committee's grounds of objection in relation to height, scale, massing and bulk. It is still considered that it would detrimentally harm the setting of the Locally Listed Church. It is not felt that the submitted heritage statement fully recognises or appreciates the significance of the historic relationship between the church and Underground Station. As such, the previous comments provided by the heritage team on the original application (19/1809/FUL) still stand.

### **Traffic and Development**

Highways would advise that a parking provision for this development should be at ratio of 0.5 spaces per dwelling. However, if minded to recommend approval, then a proposed package of mitigation measures should alleviate any potential displacement problems.

### **Highways and Development - Travel Plan**

The Travel Plan for the proposal is acceptable and as a result is considered satisfactory for use. The applicant will be required to provide a £5K Travel Plan Monitoring Fee to be secured under section 106 agreement.

## **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 to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Draft London Plan

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS12, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM16, DM17.

## Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan Regulation 18 Preferred Approach was approved for consultation on 6th January 2020. The Regulation 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. Whilst still at an early stage, it is noted that the Council have identified a Schedule of sites that have the potential to be brought forward for development, subject to a suitable development proposal being submitted to and approved by the Council. It is noted that Site No.56: Woodside Park Station West is identified as having potential for being developed for residential use. The application site falls within this identified strip.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### Supplementary Planning Documents

- Affordable Housing (2008)
- Delivering Skills, Employment, Enterprise and Training (SEET) from development through S106 (2014)
- Green Infrastructure (2017)
- Planning Obligation (2013)
- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;
- Whether harm would be caused to the setting of locally listed buildings;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking; and
- Other material considerations.

### **5.3 Assessment of proposals**

The previous application (19/1809/FUL) was refused by the Chipping Barnet Area Planning Committee on 15th July 2019 for the following reasons:

1. The proposed development in particular 'Block B' by reason of its massing, excessive height, close proximity to St Barnabas Church and its extensive depth across the entire rear elevation of the Church Building would detrimentally harm the setting of the Locally Listed Building. Furthermore, the proposed building would significantly obscure the rear elevation of this non-designated heritage asset when viewed from the Northern Line and be visually obtrusive when viewed from Holden Road contrary to policies 7.4, 7.6 and 7.8 of the London Plan, policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012) and paragraph 197 of the National Planning Policy Framework 2019.
2. The proposal would provide no-off street parking or disabled provision to serve the proposed development. This would result in additional kerbside parking to the detriment of highway and pedestrian safety and the free flow of traffic, contrary to policy 6.13 of the London Plan

and policies CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012) and policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

### Principle of development

Whilst the site was previously used for a series of ancillary uses (storage and parking), the surrounding area is predominantly residential with a variety of detached and semi-detached properties as well as purpose built flatted buildings. Taking into account the predominate residential character of the area, it is considered that subject to relevant planning policy considerations, the principle of new residential development as the land use is acceptable on this site.

### Housing Tenure and Mix

Barnet Policy CS4 aims to maximise housing choice providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes.

Policy DM10 requires 40% of housing provision to be affordable from all new sites providing 10 units. In line with the Core Strategy the tenure mix of affordable housing which will be sought is 60% social rented and 40% intermediate.

All the units proposed would be one bedroom and all offered at intermediate tenure for discounted sale. It is recognised and acknowledged that the proposal does not comply with policy DM10, however Officers have been in dialogue with the Council's Housing team who have confirmed that the model proposed by Pocket would be acceptable to the Council as affordable housing, as well as the proposed tenure mixture. The pre-ambule to Barnet Policy DM08 in paragraph 9.1.7 states an aspiration for family sized intermediate affordable housing. However, smaller 1 and 2 intermediate tenure homes will be supported as larger sized homes under shared ownership/low cost home ownership may be unaffordable.

There is an established affordable housing need within Barnet and at London level. Barnet's Strategic Housing Market Assessment Update (October 2018) states that there will be a need to provide additional affordable housing for 17,600 dwellings over the 25 year period 2016-41 (an average of 704 per year). London Plan Policies 3.11 and 3.12 and Policies H4 and H5 of the Mayor's Intend to Publish London Plan seek to maximise the delivery of affordable housing. Draft London Plan Policy H4 (Delivery affordable housing) in paragraph 4.4.1 strongly emphasises the need to deliver more genuinely affordable housing, with schemes expected to maximise the delivery of affordable housing and make the most efficient use of available resources.

Pocket homes are all designed to be one-bedroom units for first time buyers. Taking this into account, the proposal would contribute to the Borough's housing stock and would consist of 100% affordable housing which is a significant positive aspect of the scheme. In addition, it is considered that one bed units would be appropriate in this location, adjacent to the underground station.

It is recognised that policy 3.8 of the London Plan concerning housing choice requires that 10% of new housing should be designed as wheelchair or easily adaptable for wheelchair users. Within the proposed scheme this would equate to the provision of 8 wheelchair units, however Pocket has advised it is not proportionate to the evidenced level of demand. Within the submitted Planning Statement, it states that Pocket has provided a number of wheelchair units in the majority of its developments, however, no Pocket units in all developments to date, have been sold to a wheelchair user despite best efforts in the marketing process. Pocket consider that this is principally due to the demographic of typical Pocket purchasers which is between 25 and 40; in this age range the requirement for part M4(3) wheelchair user dwellings is at lowest. Nevertheless, all the proposed units would be finished to M4(2) accessible and units can be altered in the future should the circumstances change in the future. Both buildings would be step free and have internal lift access to all levels.

### Affordable Housing

As stated earlier, Pocket is a business dedicated to the provision of affordable homes in London. Pocket is a private developer that provides intermediate affordable housing delivering homes for first time buyers on an average wage in London.

Pocket builds an innovative form of affordable housing in London which does not require public subsidy. Housing affordability is secured in perpetuity through a Section 106 legal agreement requiring purchasers to demonstrate that their income is below the eligibility threshold designated by the Mayor of London for intermediate affordable housing. Pocket units are by definition affordable housing in accordance with the definition contained within Annex 2 of the NPPF. Pocket builds principally one-bedroom apartments that are designed specifically for single occupiers who want to own their homes outright. A 20% discount to the open market price for comparable flats in the same area is applied on the initial sales of Pocket homes. Pocket homes are sold to local people who either work or live in the Borough in the first instance.

Unlike conventional shared ownership and shared equity products whereby buyers increase their stake by 'stair-casing'. Pocket buyers own 100% of the equity and the value of their home from day one. Pocket's homes are restricted on resale to buyers with eligible household income (as designated by the Mayor of London) through Pocket's bespoke Section 106 legal agreement and this restriction is also enshrined in lease covenants. Priority is given to those who already live or work in the relevant borough; people on any intermediate nominations list operated by the Council; or who are otherwise approved by the Council. Pocket's homes therefore remain part of the intermediate housing stock in perpetuity.

On resale the Section 106 covenants require a vendor to sell the Pocket home to an 'eligible person' this is a person with an income below which the Mayor of London has deemed should be afforded the opportunity to buy intermediate affordable housing. The administrator supervises the sale and certifies that the purchaser is an eligible person. There are also restrictions on renting out the units; these restrictions mean that the units can only be bought by eligible persons and also effectively mean that the price at which they are bought and sold is below the price at which they would otherwise reach on the open market.

Pocket homes therefore qualify as affordable housing under both the current NPPF and London Plan and the draft London Plan because the homes satisfy the three key criteria contained within the definition of affordable housing:

- Restricted Eligibility;
- Provision to remain at an affordable price; and
- Cost Below Market Level

#### *Restricted Eligibility*

All buyers must have a household income below the Mayor's maximum household income threshold (currently £90,000). However, the average Pocket purchaser has a household income of £42,000. For resales the restriction on eligibility remains in place through the S106 agreement.

#### *Provision to Remain at an Affordable Price*

The lease for all Pocket homes includes conditions that oblige owners to follow the same eligibility rules when selling (or in exceptional circumstances renting) their home. Mortgage providers will not release their security to allow a sale to proceed unless Pocket, as Administrator, has issued a legal certificate confirming that the buyer is 'eligible'. This condition is relaxed only in the event the property has not been sold within 6 months of first marketing, and the eventual buyer is bound by the same restrictions on resale. In practice, all re-sales of Pocket's units to date have been to qualified eligible buyers, and Pocket considers that referrals from Councils' Housing Departments will ensure that this applies to most if not all future sales.

Through these conditions Pocket will ensure its homes remain affordable in perpetuity. It is anticipated that only rarely will the units be sold on the open market; however, this has not occurred

once to date. This on-going requirement distinguishes these units from shared equity or shared ownership homes, whose buyers can over time acquire additional equity (so-called "stair-casing") until they own 100% and are no longer subject to any resale restrictions. In those circumstances any grant is repaid or eventually recycled by the original developer or Registered Provider but those homes, unlike Pocket's units, are forever lost to the intermediate housing stock.

### *Cost Below Market Levels*

Pricing for the units is agreed with a valuer before they are released onto the market. Pocket commit to a discount of 20% to the local open market value for equivalent homes on the first sale. The open market value is set by an independent valuation assessing the local market values and can be supported by further valuations by other surveyors if queries are raised. Secondary sales do not include a fixed discount; however, the aforementioned restrictions imposed on the sale do remain in perpetuity. When an owner decides to sell their home, they appoint a valuer to determine the sale price. The valuer will have regard to the restrictions ensuring the units sell for below market value.

### *Restrictions to Borough Residents*

Whilst not a formal requirement of meeting the definition of affordable housing, Pocket often applies a further restriction on the sale of its homes which is that in agreement with a LPA it will apply a restriction on the sale of its home to local residents or people who work in the borough. Thus, applicants must also either live or work in Barnet to be eligible for a Pocket home.

The key benefit of this restriction is that it reduces demand on local transport, health and community infrastructure.

### Design, Layout and height

The proposal comprises of two roughly rectangular footprints with a centralised landscaped courtyard. The buildings would occupy a large proportion of the site but it is considered that there is sufficient space between the adjacent boundaries to provide appropriate setting for the proposal. In addition, there is sufficient space for considerable new landscaping along all the site's boundaries.

At ground floor level, the majority of rooms which would face onto the entrance ramp and central courtyard, comprise of main habitable rooms which provides an active frontage. Areas of plant and refuse storage, as well as cycle storage are mainly located to the eastern façade facing on the underground tracks. Overall the proposed layout and siting of the proposed buildings are considered to be acceptable.

The topography of the site and surrounding area is such that the land slopes down from east to west. When viewing the east-west context in terms of built form, there is a gradual and consistent rise of building height and form. The applicants have undertaken and provided wider street sections which illustrate the heights and scale of the street scene along Woodside Park Road and Holden Road. Reviewing this, Officers consider that the proposal fits appropriately within the gradual rise of the area and the proposal is considered to respect this context and would not appear out of scale with the surrounding area.

The massing of the buildings is broken up with the incorporation of bays and levels which are repeated along the facades. Each bay predominately relates to an individual unit on each floor.

In order to address the previous refusal reason, a number of design amendments have been made to the proposed blocks that help the proposal better reflect the St. Barnabas Church building. The main alterations include the use of a warmer, redder brick colour, similar to that on the church and the replacement of the previous metal cladding on the top level with an identical brick colour. Also, the detailing of the building has been amended to include more traditional features to reflect the historic and traditional characters of both St. Barnabas Church and the Underground Station; these detailing features include extended banding to mirror the church and traditional corbelling to reflect both the church and the station.

The use of red brick is acceptable and can be widely seen within the wider context but also now better reflects the adjacent St. Barnabas Church. The proposal incorporates the use of variances in the brick such as colour, orientation and corbelling to help break up the massing and provide visual interest. These detailing features will make the proposal appear more traditional in character and appearance. These changes were previously welcomed by the committee during the meeting on 7th January in being an improvement over the original submission.

It is considered that the proposed design changes have the effect of reducing the visual impact of the proposal, by incorporating the existing materiality of St. Barnabas Church and ensuring that the proposal has a positive relationship with the nearby heritage assets.

It should be noted that the proposed development is supported by the Council's Urban design team.

Officers consider that the proposed layout, height, scale and bulk and external appearance have been carefully considered in terms of the site's constraints, wider context and urban form. Overall, the proposal is considered to be of a high quality in terms of form and detailed appearance.

### Impact on Locally Listed Buildings

St Barnabas Church and Woodside Park Station are both Locally Listed Buildings. In assessing the potential impact, Barnet Policy DM06 states that there will be a presumption in favour of retaining all Locally Listed Buildings. Part c of DM06 also sets out a number of criteria that proposals should demonstrate when involving or affecting Barnet's heritage assets. In this case, the proposal does not involve the loss of any locally listed buildings as they are located on adjacent sites. Therefore, any assessment is restricted to the potential impact on their setting. Paragraph 197 of the NPPF states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In accordance with paragraph 190 of the NPPF and DM06 (c. point 1), in terms of its significance, St Barnabas Church is designated on the Local List designation due to its aesthetic merits, intactness, landmark qualities and social and communal value. It is described as "*A typical large J.S Alder Church. Built in orange brick with stone detailing and clay tiled roof.*"

Woodside Park Underground Station is designated due to its aesthetic merits, intactness and landmark qualities. It is described as "*Two storey building in gault brick with shallow pitched slate roof and chimney stacks. Timber sliding sash windows on both ground and first floor façade.*" It opened in 1872 on the Great Northern Railway's Barnet branch and has been part of the London Underground since c1940.

C. point 2 of DM06 requires consideration of the impact on the significance of the heritage asset but as mentioned above, this proposal does directly affect the asset itself but its setting and this will be defined, considered and assessed next in the report.

In the previous application that was heard by committee in July 2019, concerns were raised that the setting of the church when viewed from the platforms of Woodside Park Station, for passengers on passing trains and from Holden Road will be lost. It was considered that the height of proposed Block B was overly dominant and that the proposed external appearance conflicted with the church. On the basis of these two main points, the Committee refused the application on this considered harmful impact.

Within this application, the applicant has submitted an updated heritage statement to address the previous raised concern, and within the submitted appendices of this report, a number of non-verified visualisations are included from views from Holden Road. In addition to this, a number of verified views from the front of the Woodside Park Underground Station and St. Barnabas Church have been submitted as part of the application. The view of the submitted heritage report is that the proposed

development of the site will result in a minor change that will not significantly alter the contribution of the setting of the locally listed St Barnabas's Church to the significance of the asset. The report considers that the setting of the church has changed following the consent of schemes at No.42 and No.44. With regards to the loss of views of the church from Woodside Park, the report states that the rear of the church is not visible along the vast majority of both the south and north bound platforms due to the presence of the station building and dense foliage. It is only when one walks to the southernmost of the platforms that the roof of the church is visible. In addition, views of the church when travelling along the northern line are fleeting and until recently would have been seen in the context of three portacabins which stood to the rear of the church for some 17 years.

However, the Council's Heritage Officer does not agree with the findings of the submitted report and does not consider that the proposed design amendments help mitigate the harm caused to the heritage assets. Their comments raised in relation to the initial application still stand.

It is evident amongst parties that the main impact of the proposal is on the setting of St. Barnabas Church. Officers, including conservation, do not raise any considered impacts on the setting of Woodside Park Underground Station. Whilst the proposed development would in the background of the station building, it is not considered to be detrimentally harmful to the setting of the main station building.

#### *Loss of rear view of St Barnabas Church*

Officers acknowledge that the proposal will result in the complete loss of the rear view by virtue of the massing, siting and height of proposed block B. Historically and at present, the rear of the church can be viewed from passengers on the Northern Line. Within the rear elevation, there was historically a large high-level, stained glass window which was positioned centrally. There are no other considered interesting or unique architectural features within the rear elevation. The Church would have historically appeared as a prominent building with the lower heights of development at Vicarage Court and the previous bungalow at No. 42 Holden Road. In addition, the church would have been viewed against the backdrop of mature tree coverage to the rear of No.42 and No. 44 Holden Road. These elements are considered to form part of the significance of this rear view. However, it is also worth noting that for many years, a series of outbuildings were located in front of the rear elevation.

Firstly, concerning the loss of the view of the rear elevation. It is considered that this rear view is only available from short-distance views of the surrounding area. The only available public views of the rear of the church are experienced from users of Woodside Park Station from the platform and on the tube. There are limited views of the rear of the church from outside the station. The objection comments received state that the rear of the church is visible from the platform and highlight that is clearly a positive contributing factor to the area. However, the objection photos provided were taken in February 2020, after the site had been cleared of its previous existing trees, shrubs and hedges. These photos provide a view of only a recent snapshot and not the historic position that users of the station have been experiencing for the many years prior to this. In addition, whilst the building was still in operation by the Church, there were a number of temporary buildings in front of the rear elevation. Whilst these were located on lower topography adjacent to the underground tracks, they still formed a prominent part of this view. Therefore, the view from the platform is only a recent benefit that has come about through the progress of the proposed development and only experienced from users of the Station and not within the wider area. Whilst the proposal has been noted for its 'landmark' qualities, it is considered that this quality from the rear elevation has been historically reduced due to the previous presence of the outbuildings and existing trees and vegetation. The objection comments seek to place more importance of this view by the number of people passing through Woodside Station each year. Officers have taken into account the above assessment that only a momentary view of the Church is achieved from within the tube itself, in the planning balance, when considering the benefits of the proposed development (DM06 and NPPF paragraph197).

#### *Impact of works to St Barnabas Church and No.42 Holden Road*

It is considered that the proposed works approved and carried out on the St. Barnabas Church have resulted in a reduced significance of this rear elevation. Such works comprise of the removal of the



stain glass panels which was considered to be the main architectural interest on the rear elevation and a number of new openings in terms of windows and doors being added to this elevation. Historically, the rear elevation appeared simple in form with little fenestration, with the focus on the stain glass windows. However, these changes do not appear to have been part of the Conservation Officer's comments in assessing the significance of this view, nor within the objection comments from the neighbouring developer. As a result of these works which have been carried out, it is considered that the original state of the rear elevation has now been considerably altered, with the removal of original features and the addition of further openings.

Furthermore, the applications at St Barnabas also included the redevelopment of the adjacent site at No.42 Holden Road for a four-storey building. This has now been predominately completed and so its visual impact can be easily viewed. In order to facilitate this development, a number of trees to the rear of No.42 were felled and as such the development at No.42 is much more visible and prominent in the combined views of the site. The historic 'landmark' significance of church's setting has been that it appears as the main prominent building which was viewed on its own. Now the prominence and scale of the adjoining development has to be considered as having a moderate impact on the setting of the church building and detracts from its setting.

### *Scale / Bulk*

In terms of the scale and height of proposed block B, it is acknowledged that the overall height would be taller than the church. However, when viewed at street scene level from Holden Road, the additional height of Block B is not considered to be very perceptible. This can be viewed from the submitted verified views which Officers consider demonstrates that the proposed development does not visually detract from the setting of the church from this view. Whilst the proposed development can be viewed between sites, the proposed scheme will be sited approx. 72m back from Holden Road. As such, Officers are satisfied that there is no adverse harm in this regard. From Holden Road, the impact of the adjacent new flatted development must also be considered. With the site having been predominately completed, it is clear that this constructed scheme has a greater visual impact on the current view along Holden Road. Given that the proposed development will only be visible through gaps in the sites and will also be screened by existing and proposed landscaping, the proposal is not considered to have a visually harmful impact on the setting of St Barnabas Church. When experiencing the views of St Barnabas Church along Holden Road, it is considered that the Church still maintains its prominence within the street scene.

### *External appearance*

During the application process, the applicant did engage with the Council's Conservation Officers. Following this, an amended design and external appearance was submitted which sought to increase elements which seek to reference the traditional features of the church and station buildings. The conservation officers acknowledged that these design changes were considered to have an improved relationship with the site and surrounding area than the previous refused scheme. However, these changes were not substantive enough in their opinion for them to remove their objection. It was also noted during the previous committee meeting that these design changes were welcomed by members and that it integrated more successfully than the original proposal with the surrounding area.

### *Loss of historic view from Woodside Park Underground Station*

Finally, the Conservation Officer makes reference to the historic view from the Underground Station to the Church. However, when you exit the western side of the station onto Station Approach, any views towards the church are oblique and the presence of large mature landscaping hides the majority of the church building. Therefore, Officers afford little weight towards this view.

### *Conclusion on the effect of nearby non-designated heritage assets*

The proposal does not involve the alteration or loss of a non-designated heritage asset and as such part d of DM06 is satisfied.

Part c of the same policy sets out a number of criteria which proposals should demonstrate, including amongst other matters; the impact of the proposal in the setting of the heritage asset, how the significance and/or setting of a heritage asset can be better revealed and how the benefits outweigh any harm caused to the heritage asset.

The significance of the heritage asset has been identified at the beginning of the section as having architectural and landmark qualities. The proposal does not directly impact the non-designated asset as it is located on an adjacent site. However, it is the setting which is only relevant to this assessment. It is evident that the main architectural interest lies within the principal elevation along Holden Road and that detailing / scale is of a lesser degree on the rear elevation. The harm is principally caused by the siting, massing and height of proposed block B which would result in the complete loss of the rear view of the Church. Taking into account the above reasons which include the limited visibility of the rear of the site and the changes that have occurred to St Barnabas and its setting through permissions granted and implemented on the St Barnabas site and adjacent, the harm to the non-designated asset is considered to be minor by virtue of the proposed development within the Church's setting.

Criterion c. point four of Policy DM06 refers to how can the setting of the asset can be better revealed. It is claimed that leaving the rear view open and not developing in front of the rear elevation will better reveal the asset. However, that is questionable as that simply leaves the site as it is and does not improve or better reveal the site. It is considered that better revealing an asset would likely involve works to the asset itself but this scheme is on adjacent land, and as such there are no works proposed. Officers would reiterate that the main significance of the non-designated asset is perceived through the front elevation and its prominence along Holden Road. What the objecting comments and conservation officer comments fail to acknowledge is the impact of harm resulting from the works undertaken to the Church and adjoining site.

The proposal seeks to address climate change by incorporating renewable technologies into the proposed development. This will be discussed further within the relevant at the relevant section.

As required by paragraph 197 of the NPPF, applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM06 which also requires a balancing of harm with identified benefits.

The applicant has identified the benefits of the scheme, mainly the provision of 86no. affordable housing units which seek to meet an identified established need. The benefits of the proposal and the balancing of these will be made within the 'Planning Balance' section at the end of the report.

#### Impact on the amenity of adjacent occupiers and surrounding area

Barnet policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

#### *Privacy, overlooking and outlook*

Barnet's Residential Design Guidance SPD states that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The site is located within a residential area with a variety of building forms. In terms of potential

impact there are existing residential properties to the east and west of the site.

To the east there are purpose built flatted buildings (Winterberry, Carolina and Silver Bell Court) which vary in height. However, their main orientation is north-south with only a row of single windows along the west elevation facing towards the proposal. In addition, these buildings are located across the underground tracks, with a distance varying between 28-31m and therefore Officers are satisfied that they would not be harmfully affected by the proposed development in terms of overlooking.

To west of the northern part of the application site lie the rear gardens of the residential properties of Holden Road, specifically two pairs of semi-detached properties and a detached property (No.44) comprising of flats. No.44 also benefits from a recent permission to demolish the existing building and erect a new flatted building. It is noted that along this part of the western boundary there are areas of significant and mature planting on adjoining land which will help limit or screen views towards the sites. In terms of separation distances, there would be varying distances of between 6m to 8m from the western elevations of the proposed block A and the boundary. In terms of window-to-window distances between the properties at Nos. 42-52 Holden Road, there would be approximate distances of 35m to 50m. In terms of direct overlooking, the proposal would comply and exceed the window-to-window requirements. Whilst there would be shorter window to boundary distances, Officers consider that the existing mature trees and dense vegetation along the boundary would provide significant screening and help mitigate any perceived levels of overlooking from neighbouring gardens. The tree protection plan submitted with the application identifies that those trees in close proximity or on the boundary will be physically protected by fencing during construction and a construction exclusion zone will be placed around these trees. This will be secured by condition and will require the applicant to erect such fencing prior to any works commencing on site.

At the southern end, to the west of the application site, lies St Barnabas Church and No.42 Holden Road where a new flatted block has been predominately completed. Officers acknowledge that St Barnabas Church has permission to convert into flats and that there are two separate S73 applications which detail further amendments to that original scheme. Works to convert the church to residential appear to be currently taking place. In terms of separation distances between the proposal and St Barnabas building there would be approximately 6.5m to the shared boundary from the western elevation of block B and approx. 16m to the central element of the rear elevation of St Barnabas. It is acknowledged that there is a two-storey element of the church which projects closer to the shared boundary, measuring at a distance of approx. 13.5m between flank elevations. Officers have reviewed the layouts of the various permissions relating to the church and note that there are windows serving Kitchen/living/dining rooms or bedrooms. Officers note the shorter separation distances, with the closest element of the church being the projecting element only representing less than 30% of the whole rear elevation. However, given this only represents a smaller projection of the Church building, consisting of 1 unit and with the addition of new landscaping along the boundary, on balance, the shorter distance is considered to be acceptable from an amenity impact. The ground floor level of this application site is at a level with the first floor of the church. At this level, it is considered that new landscaping proposed along the western boundary will help reduce the potential impact and prevent direct overlooking. As indicated on the submitted planting strategy, 6no. new trees at a height of 3-4m are to be planted along the boundary with St. Barnabas Church. This is considered to a positive mitigating factor in helping to prevent overlooking harm. At the higher levels of the church, the number of windows decrease and are also oriented at different angles. As such, for these reasons, Officers do not consider that the proposal will result in significant adverse overlooking impacts.

#### *Daylight / Sunlight*

The application was originally accompanied by a Daylight & Sunlight Study which assessed the impact on the original church permission (16/5632/FUL). A further report has been submitted which considers the impact on the two S73 permissions (17/6932/S73 and 19/6142/S73) this forms the additional information consulted upon in June 2020 in response to the objection from the church developer.

16/5632/FUL

The reports for the VSC (daylight) test demonstrate that a number of windows at St Barnabas Church would fall short of the BRE recommendations. However, the report notes there are mitigating factors which explain the shortfall. The windows in this elevation serve predominately kitchen/living/dining rooms and a bedroom on the ground floor. A number of the rooms in this part of the building are served by multiple windows.

The results of the daylight distribution test show that all rooms meet the BRE recommendations with the exception of three rooms. These are a ground floor bedroom of Flat 4 (window 22), a kitchen/living/dining room of flat 4 (windows 23-26) and a kitchen/living/dining room (window 45) on the first floor of flat 12. For the rooms which experience shortfall, the report advises of mitigating factors. In terms of BRE guidance, distribution of light in a bedroom is considered less important. For Flat 4 living/kitchen/dining, the shortfall is only marginal (0.78 against 0.8) and it also benefits from several windows. The first-floor kitchen/living/dining experiences a shortfall because the window is situated between in the gap between roof forms and is set back from the rear building line. This room also benefits from a further two windows on its north elevation.

In terms of sunlight, the report advises that all living rooms have at least one window which meets the sunlight targets.

In summary the report acknowledges that the proposed development will have an impact on the proposed habitable rooms at the church. Notwithstanding this, given the mitigation set out above, the proposal is not considered to detrimentally harmful.

#### 17/6932/S73

This application resulted in the reconfiguration of the internal layouts.

The results for the VSC (daylight) demonstrate that all rooms at St Barnabas have at least window that meets the BRE recommendations with the exception of three rooms. These are a ground floor bedroom of Flat 4 (windows 27 & 28), a kitchen/living/dining room (windows 29 to 32) of Flat 4 and a single bedroom (window 50) of Flat 12 on the first floor. For the rooms which experience shortfall, the report advises of mitigating factors. In terms of BRE guidance, distribution of light in a bedroom is considered less important. Firstly, windows 27 & 28 serving a bedroom of ground floor Flat 4 would only marginally fall short of the BRE recommendation with before/after ratios of 0.73 and 0.69 respectively. Secondly, the kitchen/living/dining room of ground floor Unit 4 served by windows 29 to 32 has an angled shaped layout, with a deep floorplan. Therefore, daylight would be difficult to achieve to all parts of the room. Thirdly, the first-floor single bedroom served by window 50 is already affected as it is tunnelled in by the projection of the existing building itself.

The results of the daylight distribution test show that all habitable rooms meet the BRE recommendations with the exception of three rooms. These are the same rooms within the VSC test but the report advises of mitigating factors which are relevant to consider. It is stated that both the ground floor rooms are both deep rooms in excess of 5m daylight would be difficult to achieve. The single bedroom, first floor bedroom would only fall marginally short of the BRE recommendation, achieving 0.75 against a recommendation of 0.8.

In terms of sunlight, the report advises that all living rooms have at least one window which meets the sunlight recommendations.

In conclusion, the updated daylight and sunlight report acknowledges that the proposal will have an impact on isolated habitable rooms within the church. However, the impact is considered acceptable due to the mitigation set out above.

#### 19/6142/S73

This application resulted in the reconfiguration of the internal layouts, further to the above S73 application.

The results for the VSC (daylight) test found that all rooms have at least one window that meets the BRE recommendations with the exception of the ground floor central bedroom of Flat 4 which is served by windows 29 & 30. The report advises that these windows only fall marginally short of the BRE 0.8 recommendation, achieving before/after ratios of 0.73 and 0.71 respectively. However, it meets the daylight distribution test.

The results of the daylight distribution test show that all habitable rooms meet the BRE recommendations with the exception of three rooms. These are a ground floor bedroom of Flat 4 (windows 27 & 28), a living/dining room of Flat 12 on the first floor (windows 43 to 46) and a dining area on the mezzanine level of Flat 4 on the ground floor. For the rooms which experience shortfall, the report advises of mitigating factors. Firstly, windows 27 & 28 which represent the ground floor master bedroom of Flat 4, only marginally falls short of the BRE 0.8 recommendation with a before/after ratio of 0.79. Secondly, the first-floor kitchen/living/dining room of Flat 12 served by windows 43-46 would experience a before/after ratio of 0.65. However, if you review the layout it is extremely deep with a front room, narrow circulation space in the middle and kitchen element at the rear. The kitchen in any event due to its location is unlikely to receive high light levels. Therefore, the living room at the front is considered to receive adequate daylight levels. Thirdly, a first-floor dining room of Flat 4 experiences a reduction, however, it was assessed that it was only lit to 11% of its area before the development takes place with a before/after ratio of 0.09 after the development. As this room would already experience low levels of daylight, the small reduction is not considered to be detrimentally harmful. This room also appears at mezzanine level and would be open to the level below.

In terms of sunlight results, the report found that all living rooms have at least one window which meets the sunlight recommendations with the exception of the first-floor living/dining/kitchen of Flat 13 served by window 48. The report advises this room would already experience low levels of sunlight even before the development. It explains that this window is tunnelled in by the projection of the existing building itself and furthermore has another window which doesn't require to be tested as it does not face within 90 degrees of due south.

In conclusion, the daylight and sunlight report acknowledges that the proposal will have an impact on isolated habitable rooms within the church. However, the impact is considered acceptable due to the mitigation set out above

### *Conclusion of Daylight / Sunlight*

In the conclusion of the most recent report which assesses the more recently permitted layouts, it states that the results of all the tests across all the schemes are broadly similar and there is no real material difference between them. It is acknowledged that the proposed development will have an impact on the rear rooms but those are two isolated rooms where mitigating factors exist as set out above.

For the reasons set out above, Officers are satisfied that the proposed development will have limited effect on the habitable rooms within St Barnabas Church and is not considered to result in harm which would merit the application being refused.

Accordingly, it is considered that the representation from the developer of St Barnabas Church has been fully considered and the points raised in those representations have been adequately responded to and addressed in the further information provided by the Applicant.

### *Residential amenity within the proposed development*

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

All the units proposed are one-bedroom units measuring 38sqm. A number of design principles are

incorporated into all Pocket schemes in order to maximise space, comfort and sustainability. This includes floor-to-ceiling windows, a low ratio of circulation spaces to liveable space, high quality sound proofing, built in storage and high quality internal and external amenity spaces. All of the units would exceed the 37sqm national minimum requirement.

The majority of units would be single-aspect, which is not an issue in principle, as none of the units would be north facing. Each unit would benefit from floor to ceiling windows to increase the level of daylight and sunlight received into each unit. The applicant has submitted a Daylight and Sunlight Study, to assess the whether the proposed habitable rooms will receive satisfactory levels of daylight and sunlight. The study demonstrates that all of the proposed habitable rooms would receive a high level of both daylight and sunlight and would exceed BRE targets by significant margins.

As the site is located adjacent to the underground tracks, a Noise and Vibration Assessment has been undertaken and submitted in support of the application. The assessment advises that with a well-built building fabric and good quality double-glazed windows, both these elements would contribute towards a significant reduction of ambient noise levels. In terms of vibration, the assessment states that there is a low probability of adverse impact from future occupiers. The Council's Environmental Health Officers have raised no objections.

Overall, Officers are satisfied that that high standard of accommodation would be provided to the proposed development.

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to provide 5sqm of usable outdoor communal or private amenity space per habitable rooms. All of the ground floor units within both buildings would benefit would be provided with private amenity spaces. In addition, the proposed would provide 860sqm of external communal amenity space on the roofs of both buildings and within the courtyard and south western linear garden. The provision of external spaces is therefore compliant with Barnet requirements but Officers are satisfied that the proposed spaces would be useable and available throughout the year and would help create a sense of community within the development.

### Highways and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The Council's Traffic and Development service had previously raised concerns regarding a car free scheme at this location given that the site is not located within a Controlled Parking Zone (CPZ) and the non-provision of disabled parking spaces.

The development is still proposing a car free scheme; however, the applicant is now providing 2no. wheelchair accessible spaces to the front of the development, which can be provided should one of the units be purchased by a disabled user. These disabled spaces will be installed for the sole use of residents and signs will be erected to encourage compliance. Highways and TfL have confirmed that they are satisfied with the provision of disabled spaces.

Whilst Highways have been advocating for parking spaces, they acknowledge that potential parking displacement and overspill can be overcome by a range of mitigation measures. These include a contribution towards the review and implementation of a CPZ or other highways improvements, permit restrictions, a contribution towards the provision of a car club space in the vicinity of the area and the travel plan measures. With these mitigation measures, Highways consider that these would sufficiently alleviate any potential parking displacement issues. The applicant has agreed to all these financial contributions and they will be secured by S106 obligations.

In light of the above, Officers consider that the agreed measures would satisfactorily overcome the previous reason for refusal and would ensure that there is no adverse parking displacement or overspill into the surrounding area. The proposal is therefore considered to be acceptable on highways grounds.

### Trees, landscaping and ecology

#### *Trees*

The application is accompanied by an Arboricultural Impact Assessment & Method Statement (25/03/2019). The site comprises of trees of varying values, age and categories. There are also a number of mature trees along the western boundary. The very large Horse Chestnut tree adjacent to the north-west corner of the site has been recently safeguarded under a Tree Protection Order (TPO). Proposed tree removals are proposed within the site and the scheme proposes suitable protection fencing and bespoke construction measures to ensure that the existing western trees are protected during construction and in the future once the development is completed.

The application has been reviewed by the Council's Arboricultural Officer and further information and details has been provided in relation to the foundations in the north-west area. The revised plans illustrate that the building is to be built of pile and beam foundations which will reduce the risk of harming tree roots and would retain space for tree root growth. Officers are therefore satisfied the proposed measures are satisfactory and protected TPO tree and western sited trees will be appropriately safeguarded.

#### *Landscaping*

The proposed landscape design seeks to deliver a high-quality resident focused environment through the provision of well-considered spaces and carefully identified planting and materials. The primary entrance to the site is at the northern boundary where the aim is to create a safe and functional access arrangement for all users, providing a pedestrian focussed paved space leading down the western part of the site. Within the central part of the site, there will be a courtyard created between the two blocks with new ornamental trees, to help create a space where the residents of both blocks can meet. Along the western boundary, a linear community garden is proposed, with seating and sensory planting. Specifically, along the boundary adjacent to St Barnabas the submitted planting strategy indicates that 6no. new trees are to be planted which have a specification height of 3-4m.

The two roof terraces will offer additional areas of amenity space for residents. The terraces will primarily comprise of raised planting areas, pergola structures and seating.

#### *Ecology*

The application is supported by a Preliminary Ecological Appraisal (October 2018) undertaken by ACD Environmental Ltd. The appraisal comprised of a desk study and an Extended Phase 1 Survey. The report advises that the site primarily comprises of scrub and ephemeral/short perennial grassland. The results of the survey have advised that neighbouring trees on the adjacent land have ecological value. These trees will not be affected by the proposed development but a number of mitigation and enhancement measures are proposed during the construction phase and will remain once the development is constructed.

The Council's Ecological Consultants have been consulted and have commented that the submitted EclA report has set out mitigation aimed at ensuring no net loss in biodiversity and no adverse effects on protected species, to support the planning application. The mitigation will ensure compliance with relevant legislation and policy. The recommended enhancements in the form of wildflower meadow creation, new tree and hedgerow planting, wildlife beneficial borders, compost bins and bat and bird boxes will provide a net gain biodiversity in accordance to NPPF and Local Planning Policy CS7.

### Sustainability

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

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by an Energy Statement from TUV SUD (February 2019) which sets out how the development accords to the London Plan energy hierarchy.

#### *Be Lean*

Passive design measures included within the development to reduce energy demand would include the following:

- energy efficient building fabric and insulation to all heat loss floors, walls and roofs;
- high efficiency double-glazed windows throughout;
- efficient building services including high efficiency heating systems;
- low energy lighting throughout the building.

These measures are assessed as providing a 1% reduction in regulated CO<sub>2</sub> emissions.

#### *Be Clean*

At the present date, there is no decentralised heating network in close proximity of the site. However, the scheme shall be future proofed with space allocated in the plantroom for heat exchangers and pump sets to enable future connection. The proposal seeks to install a Combined Heat and Power (CHP) due to the energy demands of the site. The CHP is assessed as providing a 24% reduction in regulated CO<sub>2</sub> emissions.

#### *Be Green*

The applicant has investigated the feasibility of range of low and zero carbon technologies for the development and is proposing to install roof mounted solar photovoltaic panels.

The installation of PV panels will result in a reduction of 11% reduction in regulated CO<sub>2</sub> emissions.

#### Summary

Overall, an on-site reduction of 39 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development, equivalent to an overall saving of 37%. The carbon dioxide savings exceed the on-site target set within policy 5.2 of the London Plan.



New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £70,601.89 to the Borough's offset fund.

### Flood Risk and SUDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Drainage Strategy Report from Whitby Wood Limited (February 2019). This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a surface water drainage scheme would be attached.

### **5.4 Planning Balance**

As stated earlier within the report, Officers acknowledge that the proposed development will have a minor level of harm to the setting of St Barnabas Church by virtue of the siting, massing and height of proposed block B resulting in the loss of the rear view of the church. In accordance with Barnet policy DM06 and paragraph 197 of the NPPF, a balanced judgement will be required having regard to the scale of any harm or loss, the significance of the heritage asset and the benefits of the proposed development

Following the refusal of the previous application, a number of material changes have been made to the proposal:

#### *Design and external appearance*

- Use of warmer, redder brick colour, similar to that used for St. Barnabas Church;
- A lighter band of soldier course at every level, reflective of the stone horizontal bands;
- Vertical Soldier courses after every two windows, reflective of the vertical buttresses;
- Corbelled brick to the upper level like the corner of the station roof eaves.

#### *Parking*

- Provision of 2 disabled car parking spaces if required to be installed;
- Payment of £45,000 towards the review and implementation of a Controlled Parking Zone (CPZ);
- Payment of £2,022 towards amending the Traffic Management Order (TMO) to prevent future occupiers from obtaining a parking permit in the event of the CPZ being implemented;
- Contribution of £5,000 towards implementation of an on-street car club bay
- Introduction of a car club scheme to the area and free 3 years car club membership for all occupiers of the development. The car club would also be available to the surrounding area.

#### *Supporting documents*

- Updated heritage report and addendum to address the impact on the impact on the setting of the Locally Listed St Barnabas Church;
- Updated Daylight / Sunlight Report which assesses the impact on the various permissions of the adjacent St Barnabas Church re-development.

The minor level of harm identified as a result of the proposal is:

- The siting, mass and height of proposed block B would result in the complete loss of the rear

- view of the church when experienced along the London Underground Northern Line; and
- Part viewing of the proposed Block B from Holden Road as a result of the proposed height and width.

The proposed benefits of the scheme are:

- Provision of a 100% affordable housing scheme, providing 86no. units to those who directly live / work in the Borough of Barnet (secured by a S106 agreement which will ensure that those eligible for the units must have been residing or working in Barnet for a period of not less than six months);
- Provision of a car free scheme in a high accessible location with typology of 1-bed units is considered to be very appropriate adjacent to the London Underground Station and will promote the use of public transport;

In terms of weight attributed to each benefit, this is set out below:

- It is considered that the provision of 86no. affordable units which will be available at a discounted value and specially marketed for those who live or work in the Borough should be given very substantial weight in the planning balance; There is a strong established need for additional affordable housing as set out in the Barnet Local Plan, Draft Barnet Local Plan, London Plan and Draft London Plan.
- The provision of a car free scheme adjacent to the London Underground Station would discourage those from owning a private car and would promote the use of public transport. This would provide wider sustainability benefits in terms of helping to reduce carbon emission and would be in line with Mayor of London's Transport Strategy. As such significant weight is afforded to this as it complies with Barnet and London Plan ambitions.

### *Conclusion of Planning Balance*

For the reasons given in the assessment sections above, it is identified that there would be a minor level of harm to the significance of the non-designated heritage asset by virtue of the proposed development being within its setting and resulting in the loss of the rear view as experience along the Northern Line and it being partly visible along Holden Road. The level of harm through these impacts is considered to be minor by the limited experience of the rear view and that the proposed would not be predominately visible from the Holden Road. Further to this, it is important to consider the approved works that have been consented or carried out in relation to the St Barnabas Church building. Part of its original significance would have been the stained-glass windows and minimal openings. However, the various permissions have approved the removal of these interest elements and the most recent approved S73 applications include the addition of new larger windows on the rear elevation of the church. Also the adjoining development at No.42 Holden Road is practically completed and has an impact on the setting on the church from Holden Road. Taking into account these works, Officers consider that the significance of the rear elevation has been reduced and impact caused would be minimal in nature.

However, in this case there would be a package of benefits that would arise from the development which have been attributed very substantial or substantial weight.

In applying paragraph 197 of the NPPF and Barnet policy DM06 c, it is considered that the package of public benefits is of considerable importance and it would outweigh the harm that would arise through the impact of the setting of the non-designated heritage asset in this case.

For the reasons given, the site would be an appropriate location for a residential development and it is considered that the scale, height and massing has been progressed, in conjunction with Officers, as a direct response to the site constraints. Through this application, additional highways measures have been secured through S106 obligations which will help to overcome and mitigate the highway's impacts. The proposal will involve the redevelopment of a highly accessible and under-utilised small site and will provide 86no. affordable units which will provide a significant benefit to the Borough and its housing supply. Subject to mitigation, measure relating to highways, noise, contamination, air

quality transport impact and sustainability will be secured via S106 obligations and relevant conditions.

## 5.5 Response to Public Consultation

**Design, scale and height** - This is considered and addressed within the report. Officers consider that the design is of a high quality, responding appropriately to the levels of the site and surrounding area and incorporates a predominate red brick which is appropriate to the site's context.

**Proposed amendments are minimal compared to refused scheme** - The proposed material changes within this application compared to the previous refused scheme have been clearly indicated within the report. Officers are satisfied that the proposed amendments constitute new material weight in their respective right and provide an alternative assessment within this application to the previous refused scheme.

**Non-submission of verified views** - The verified views were part of the committee presentation on the 7th January 2020 and the committee had the opportunity to view these during the discussion. These views are not formal documents as part of the approved plans but are a visual guide to aid discussion. However, following the committee resolution, these verified views are available to view on the planning public website.

**Overprovision of flats in this area and greater need for larger family flats** - Officers consider that 1-bed units are highly appropriate for this highly accessible location and that family units would not be suitable. Taken into account the targeted demographic of Pocket users, this location is ideally located, particularly for young, single professionals or those who struggle to afford elsewhere in the Borough.

**Impact on the setting of the locally listed St Barnabas Church and Woodside Park Station. Loss of view of the church from the station** - This is thoroughly assessed within the report. Officers have taken a balanced judgement that the provision of a high-quality development that provide 100% affordable housing affording very significant weight and would outweigh the adverse effect on the non-designated heritage asset.

**Impact on neighbouring amenity** - This has been assessed within the report. Officers consider that the proposal would not detrimentally harm the residential amenity of neighbouring occupiers. The application is supported by a Daylight and Sunlight Assessment which assesses the impact upon neighbouring buildings. Whilst it is acknowledged that a number of rooms / windows have been identified as not meeting the relevant BRE recommendations, there has either been suitable justification provided or the reduction is minimal. Officers consider that there is sufficient separation distances between neighbouring properties and that existing and enhanced landscaping will help mitigate any potential overlooking / overbearing impact.

**Highways and parking** -The application is subject to a legal agreement which seeks contributions towards the review and implementation of a CPZ and/or highways improvements within the vicinity of the development in order to mitigate against any traffic impacts of the Development. Future occupiers will be restricted for applying for residential parking permits. Therefore, these mitigation measures are considered to help alleviate any parking displacement/overspill issues.

**Impact on trees** - This has been assessed within the report and by the Council's Arboricultural Officer. The proposal is considered to adequately protect trees on and around the site.

**Consideration of proposed alternative scheme** - this has been proposed - by the developer of the neighbouring St Barnabas Church. However, this is not part of the application submission and as such is not a material consideration in this application.

## 6. 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;
- sexual orientation.

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

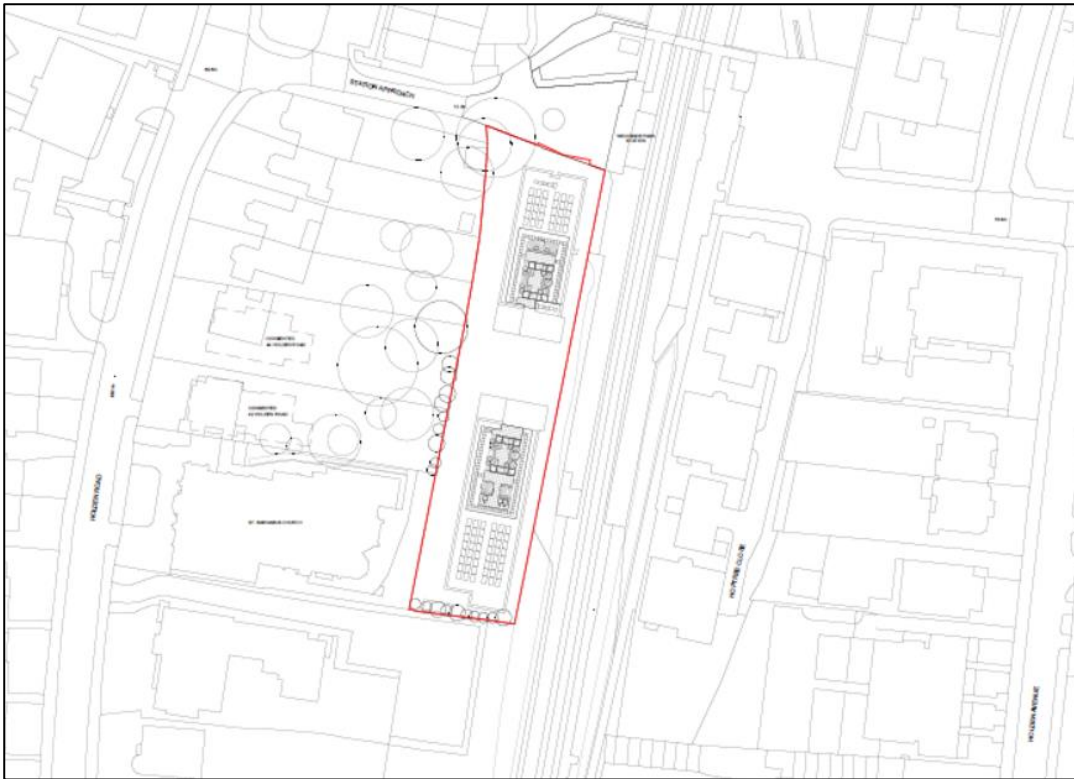
The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A potential negative impact will be the non-provision of any specific wheelchair adaptable units with the proposal. However, Pocket have provided justification for not providing on-site M4(3) units which is based on evidence gathered from all other Pocket developments. To date, Pocket advise that no wheelchair unit has been sold to a wheelchair user. Whilst no wheelchair adaptable units will be provided on-site, Pocket advise that units can be altered should circumstances change in the future. Two wheelchair accessible parking spaces have now been provided within the scheme. Nevertheless, the development will be fully constructed to M4(2) standards including step-free pedestrian access to all levels. On balance, whilst this is identified as a negative impact, Officers considered that there are acceptable justifying reasons to deviate from planning policy in this instance.

It is considered by Officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## 7. 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 development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.



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**Location** Jewish Community Secondary School Castlewood Road Barnet EN4  
9GE

**AGENDA ITEM 7**

**Reference:** 19/6855/FUL

Received: 23rd December 2019

Accepted: 30th December 2019

**Ward:** East Barnet

Expiry 24th February 2020

**Applicant:**

**Proposal:** Erection of a north wing to provide new educational space (use Class D1) comprising a multi-functional hall, classrooms, circulation, break-out and administration areas with associated landscaping and ancillary infrastructure

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal 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)

**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.

JCoSS Travel Plan Heads of Terms should include:

- Full School Travel Plan (STP) to be submitted and approved prior to occupation
- STP to meet the criteria in the TFL booklet 'What a School Travel Plan should contain'
- STP to include all previous data and a summary and evaluation of previous measures
  - /initiatives implemented
- Prior to occupation consultation with all members of the school community - staff, pupils and their families, Governors, residents and other stakeholders including Livingstone

School

- STP Champion in place for the life of the STP
- Annual staff and pupil hands up survey
- Annual STP review and approval by the Council until the 5th STP review and STARS

has been approved

- To maintain current Gold level STARS or equivalent for at least 5 years.
- £5,000 STP monitoring fee

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

(898)0100\_PL01  
(898)0101\_PL01  
(898)1010\_PL01  
(898)1011\_PL01  
(898)1012\_PL01  
(898)0201\_PL01  
(898)0202\_PL01  
(898)0203\_PL02  
(898)2002\_PL02  
(898)2001\_PL02  
(898)4001\_PL02  
(898)4002\_PL02  
10682\_a\_00\_020 revision J  
11898\_TG\_P\_001  
11898\_TG\_P\_100  
11898\_TG\_P\_300

Design and Access Statement (17/12/2019)

Planning Statement

Landscape Strategy

Arboricultural Impact Assessment (18/12/2019) (11898\_R03a\_JP\_MM)

BREEAM Pre -Assessment

Energy and Sustainability Statement (December 2019)

Transport Statement (18/12/2019)

Parking Stress and Active Travel Environment Review

Geo Environmental Assessment of New Annex Building at Jewish Community Secondary School, East Barnet

Ecological Assessment (11898\_R02\_CC\_AS)

Structural Engineering Report



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).

4 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.

5 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown in Arboricultural Impact Assessment (18/12/2019) (11898\_R03a\_JP\_MM) under dwg no 11898/P04a has been erected. 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 fully implemented in accordance with the protection plan and method statement.

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 2016.

6 a) Before the development hereby permitted is first occupied or brought into use, a School Travel Plan incorporating measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS (Sustainable Travel Active Responsible Safe) accreditation scheme for the following 3 years.

The School Travel Plan shall include SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

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

7 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a banksman;
- xii. Details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

8 a) The proposal hereby approved should be implemented according to the approved Ecological Assessment Report ((11898\_R02\_CC\_AS).

b) lighting strategy must be designed to minimise impacts on bats (as well as other nocturnal fauna) and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to the LPA for approval.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % 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.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

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

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

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

12 a) The non-residential development is required to meet the BREEAM \*\*\*\* level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

13 a) No development other than demolition works shall take place until a scheme indicating the provision to be made for disabled people to gain access to the development has been submitted to and approved in writing by the Local Planning Authority.

b) The scheme approved under this condition shall be implemented in its entirety before the first occupation of the development or commencement of the use and retained as such thereafter.

Reason: To ensure adequate access levels within the development in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policy 7.2 of the London Plan 2016.

14 Prior to occupation of the development details of coach parking monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests 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.

15 Upon occupation of the development hereby approved, there should be no more than 30 additional pupils admitted into year 7 each year up to a total of 90 additional pupils within years 7-11 over a five year consecutive period and no more than an additional 40 pupils shall enter into the 6th form (comprising 20 pupils in year 12 and 20 pupils in years 13) without the written prior consent of the local planning authority.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

### RECOMMENDATION III:

3 That if an agreement has not been completed by 01/11/2020 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 19/6855/FUL under delegated powers for the following reasons:

The development fails to provide a legal undertaking to provide travel plan and contribution towards the associated monitoring costs, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD

### **Informative(s):**

1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Therefore, if site clearance work is proposed to be undertaken in the spring and summer months the site should be subject to a pre-site clearance check for nesting birds. It should be noted that if there is a hiatus between site clearance and construction and the site is left cleared then if construction starts during the spring and summer months an additional check for nesting birds should be undertaken before work starts.
- 4 Working methods sensitive to badger and hedgehog should be used during the construction phase. Hedgehog fence panels and/or 'hedgehog highways' should be used to prevent habitat fragmentation

## **Officer's Assessment**

### **1. Site Description**

The present school comprises one building, with a central curved spine from which four wings radiate to the rear. The central spine contains the vaulted main reception area, beyond which - along the direct visual axis - there is a courtyard and beyond which there is an existing Multi Use Games Area (MUGA), which is the location for the new proposed North Wing extension. The vaulted central spine creates a curved exterior roof structure, whilst the elevations are finished in a combination of buff coloured masonry and brickwork with grey metal elements - with a combination of darker material and white render to Wing D.

The broader site comprises hard and soft landscaped grounds including sensory garden, allotment and a further, smaller MUGA. To the rear of the site is a large open playing field, over which the school has recently signed a joint access agreement. Principal access to the site is via a dedicated approach from Castlewood Road, leading to a one-way loop incorporating parking and drop-off spaces. A second gate to the south exists, principally for pedestrian and emergency access.

To the immediate east of the site is Livingstone Primary School, whilst to the west the east coast main line separates the site from Tudor Park. To the south the school adjoins a residential development known as the Bevan estate, built in the 1950's and predominantly comprising two storey semi-detached houses. To the north side lie Hadley Woods - an area of mature woodland.

The site is in Metropolitan Open Land. Green belt lies to the north of the site. The site is not located in conservation area and the building is not listed.

### **2. Site History**

Reference: N02587K/07

Address: East Barnet School Westbrook Crescent Cockfosters Barnet Hertfordshire EN4 9AR

Decision: Approved following Legal Agreement

Date: 09 December 2008

Description: Demolition of buildings and erection of a new secondary school (six form entry) and special resources unit, external works including construction of new outdoor all-weather sports pitches and games area, formation of new North-East access driveway off Castlewood Road and use of existing access from Westbrook Crescent for emergency vehicles only, parking, landscaping and other enabling works

Reference B/05671/14

Address: Jcoss (Jewish Community Secondary School), Castlewood Road, Barnet, Herts, EN4 9GE

Decision: Approved subject to conditions

Date: 10 December 2014

Description: Extension to wing D at second floor above the Sports Hall, to provide 5 new classrooms and associated circulation and storage areas

### **3. Proposal**

The application seeks planning permission for erection of a north wing to provide new educational space (use Class D1) comprising a multi-functional hall, classrooms, circulation, break-out and administration areas with associated landscaping and ancillary infrastructure. The proposal benefits from a pre- application advice.

#### **4. Public Consultation**

Consultation letters were sent to 135 neighbouring properties.

40 objections and 109 support received

Summary of the comments received:

Comment in support of the proposal

- The school is oversubscribed and need extension
- More cost efficient than opening a new school
- Will meet the need of the growing number of children
- School will be able to offer more places for children
- The community would be benefitted
- There is need for more secondary school places
- There is significant demand for high performing faith schools in London
- The current building does not have the capacity to cope
- The school has the land and should be allowed to build

Objections received as below:

- Likely Impact on traffic
- Congestion
- Large coaches park while drop off and pick up are big for the narrow roads and create congestion
- Roads will be clogged by parked cars
- No consideration given to the residents by coaches, parents, staff and sixth formers.
- The coaches in the morning cause chaos for local residents and cause damage to cars, footpaths and grassed areas.

#### **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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable



development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The London Plan is currently under review. 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 should continue to be determined in accordance with the adopted London Plan

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS8, CS9, CS10, CS13.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM13, DM15, DM16, DM17.

The Council's approach to extensions 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.

#### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents  
Sustainable Design and Construction (2016)  
Green Infrastructure (2017)  
Planning Obligations (2013)

## **5.2 Main issues for consideration**

- Principle of development
- Impact on the Character of the Existing Building and the Area
- Impact on Amenity of Neighbouring Occupiers
- Impact on Amenity of Future Occupiers
- Impact on Highways
- Impact on Trees & Landscape
- Impact on Ecology

### 5.3 Assessment of Proposals

#### Principle of Development

Paragraph 133 of the National Planning Policy Framework (2019) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The site is located entirely upon Metropolitan Open Land (MoL). With regard to Policy 7.17 of the London Plan (2016) and Policy DM15(a)(i) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the same level of protection is afforded to MoL as to the Green Belt. Consequently, development is subject to the considerations set down in Section 13 of the NPPF (2019).

Paragraph 145 of the NPPF states that the construction of new buildings as being inappropriate in the Green Belt, but also lists a number of exceptions which include:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy DM15 of the Local Plan echoes these provisions, stating:

- i. Development proposals in Green Belt are required to comply with the NPPF. In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
- ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.
- iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:
  - a. Agriculture, horticulture and woodland;
  - b. Nature conservation and wildlife use; or
  - c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
- v. 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 Green Belt or MOL.

The applicant in the submitted planning statement mentions that, the proposal would fall under exception c of Paragraph 145 of NPPF and further mention that, "the Application Site falls within a wider, established and self-contained campus. Whilst there are small areas of land without buildings, when considered as a single planning unit, the campus as a whole falls within the definition of Previously Developed Land ("PDL") as stipulated by the NPPF."

In a submitted calculation the applicant showed the cumulative increase in floorspace is only 10% and volume is 7%.

However, the opinion of the LPA the proposal would not benefit from the provision of the exception at Paragraph 145(c) for the following reasons, which was mentioned during the pre-application stage;

- Whilst the proposal may be an 'extension' to the total existing quantum of buildings on the site, it is in the form of a new building and not a contiguous physical extension.
- Notwithstanding that fact, the baseline for extensions must be the original building and not the current building (or building which replaced the original building).

The pre- app advice further states that, the proposal must be considered inappropriate development and - by virtue of Paragraph 143 of the NPPF (2019) - is, "by definition, harmful...and should not be approved except in very special circumstances".

The applicant subsequently submitted very special circumstances in the submitted planning statement with the current planning application.

The statement states that, Institute for Jewish Policy Research ("JPR") in February 2019<sup>1</sup> has assessed the gap between first preference applications and admissions across the four state-funded mainstream Jewish secondary schools in North West London and Hertfordshire. The research shows there is a gap greater than 150 between applications and admissions which represent unmet need in the Jewish Community. This gap exceeded year-on-year since 2013/14. The statement further mentions that there is average 11% increase in applications for Year 7 entrants in 2018/19 and increase of 14% in years 2020/21 and 2021/22.

The statement further mentions that, to meet the quantitative deficiencies, the only viable means of doing so in state-funded mainstream Jewish secondary schools in North-West

London and Hertfordshire is via the expansion of existing schools and JCoSS is one of two schools identified which have the capacity and desire to expand.

The submitted statement mentions that, JCoSS is the most over-subscribed Jewish school in London, with an average of 4 applicants per place, 73% of which put JCoSS as their first or second preference. JCoSS does not have enough classrooms and associated facilities to meet this growing demand. The proposal would therefore facilitate the growing demand.

It is further mentioned that the proposed class rooms are designed for smaller class sizes which are ideal for teaching 6th form lessons, which would free up standard size classrooms within the existing school building. The proposed multipurpose hall will provide a large flexible space which can be configured for assemblies, performances, indoor sports, cafeteria seating, examination and study space.

The current number of students at the school is as follows:

Y7: 187 pupils

Y8: 217 pupils

Y9: 218 pupils

Y10: 187pupils

Y11: 187pupils

JCoSS currently admits 187 students each year for years 7; 10 and 11, but due to the high demand for places the school would like to increase an extra 30 places each for year 7 ,10 and 11 for each academic year consecutive 5 years. Initially the increase would be an extra total of 90 students for year 7, year 10 and year 11 for every academic year.

Once the additional 90 students will reach year 11, JCoSS estimates that 20 of them will continue into year 12 and then into year 13, totalling 40 additional students in the 6th form. At that time after 5 years there will be total of 130 additional students per academic year (90 in years 7,10 and 11 and 40 in the 6th form).

Currently the 6th form has a total of 300 students in year 11 and year 12. Initially total number of students in the school would be 1386 for the next consecutive 5 years. After 5 years total number of students would be maximum 1426.

National policy states that local planning authorities should "give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications" (National Planning Policy Framework 2019: paragraph 94). It also states that local planning authorities should "work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted".

London Plan Policy 3.18 (Education Facilities) states that in Point C that "Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes."

CS10 states that, the council will "ensure that our programmes for capital investment in schools and services for young people address the needs of a growing, more diverse and increasingly younger population." Paragraph 15.7.6 of the Core strategy states, "We will

continue to identify opportunities to improve the condition of secondary schools in Barnet and to provide sufficient school places."

With regard to Policy CS10 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), the proposal will bring forward capital investment expanding the provision of education facilities and would meet the growing demand.

It is clear that national, London and local policy is strongly in favour of improving school facilities, and this is a material consideration in the determination of this planning application.

Furthermore, the proposal would bring Economic benefit, as it will create up to 7 new teaching jobs as well as some additional hours for other site staff including cleaners, and maintenance workers. Jobs will be also created throughout the construction work.

It is therefore considered that, due to the very special circumstances stated above, the proposal is considered acceptable in the Metropolitan Open Land (MOL).

#### Impact on the character of the existing building and wider Area

Policy DM01 of Barnet's Development Management Policies Document (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal has been modified after comments received during pre-application stage. However, the location and overall design concept of the proposal remains same as proposed in the pre application stage.

The proposed two storey extension would be sited at the rear of the central court yard on the place of existing Net Ball Court. It would be sited at the rear of two existing wings and would connect those wings with an open colonnaded corridor. Though the proposal would enclose the open central court yard, it would maintain permeability and allow angular views to the open field and woodland beyond through the open colonnaded corridor.

The proposal will respect the eaves height of the existing building. It would feature a flat roof with mechanical room and skylight on the rooftop.

The proposed exterior would be of buff colour brick to match the existing masonry of the school with infill panels in a light grey render to coordinate with the painted metal framing to windows. The material is considered to complement the existing palette.

Principal entry for the new extension is on the front elevation facing the central courtyard.

It is considered that the proposal would respect the character of the existing building and the Area.

The additional mass of the extension would not be seen from the streetscene and would be buffered by the presence of the existing school building because of siting at the rear of the existing school building.

The proposed extension is considered to be of an appropriate scale, have been designed to match the design of the existing architecture of the school building and will be constructed in matching materials. Consequently, they will blend in with their immediate surroundings.

### Impact on Amenity of Neighbouring Occupiers

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposed extension will be sited to the north of the site at the rear of the existing school building, away from existing residential properties sited to the south of the site and would not be visible from the residential properties. There are no residential properties to the north of the extension.

Given the separation distance between the extension and the nearest residential buildings it is not considered that the proposed extension and the proposed use would have an unacceptable impact on the amenities of neighbouring occupiers.

The proposed new building is considered to provide an acceptable space for the proposed multi-functional hall, classrooms, circulation, break-out and administration area.

With the direct re-provision of the MUGA, the scheme would also entail no material reduction in overall amenity space.

It is mentioned in the submitted Planning statement that, "the school has recently agreed to a lease with Barnet Council to use the grassed playing field land immediately to the west for sports and recreation. This has the benefit of allowing rugby and football, which were previously being played on the 3G pitch within the campus, to be moved onto a more appropriate grassed surface, thereby freeing up capacity on the 3G pitch for other sports such as netball and hockey."

The proposed ground floor will feature a large, double height, multi-purpose Hall which opens to the school's central courtyard. 4 classrooms are arranged to the north and one to the south beside the proposed multipurpose Hall and served by a circulation space.

All the proposed Classrooms would meet the standard provided by Department for Education's Building Bulletin 103 (BB103) - Area Guidelines for Mainstream Schools.

Each of the new classrooms will have around 30 pupils. The school already has capacity issues and so the proposed extension will help to relieve some of this pressure within the main building.

The rooms are well lit and ventilated and benefit from northern light. Class rooms will not overheat due to solar gain because of it siting on the northern side.

The proposed first floor contains 4 classrooms and an office suite including a new boardroom. There is lift access to the first floor. There are DDA compliant WC facilities on each floor.

All proposal would be disability compliant in order to cater for the needs of existing and future pupils and staff.

### Impact on Highways

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The Local Highway Authority have no in-principle objection to the proposal.

The submitted Transport Statement prepared by Markides Associates confirms that the predominant mode of transport for pupils attending the school is public transport, with a total mode share of 37%. This is achieved via the implementation of the school's existing Travel Plan which discourages drop-off and pick-up activity around the South Gate, encouraging instead this be undertake at the dedicated East Gate.

The Transport Statement confirms that the additional trips associated with the proposed expansion, both in terms of drop-off and pick-up activity and car parking demand associated with additional sixth formers and staff parking, can be accommodated on the local highway network based on the observed parking stress levels.

The statement further mentions that, JCoSS will continue to make reasonable endeavours to achieve even greater number of pupils travelling by sustainable modes by reinforcing its existing Travel Plan measures to new pupil intakes and will investigate the potential for further methods such as:

- Establishing a car-sharing database to match parents travelling along the same routes with potential car-sharing partners;
- Recruiting Youth Travel Ambassadors (YTAs) to launch their own campaigns to help increase sustainable travel;
- Promoting additional events such as 'Walk to Work / School' day to encourage both pupils and staff to adopt sustainable modes; and
- Create and distribute posters and leaflets sharing sustainable travel information.

It is further mentioned that, the school is currently consulting on changing their admission criteria so that the expansion will create additional spaces for those living closest to the school, ensuring that more pupils will be able to walk and cycle to school.

The applicant submitted Parking survey and Councils Highway officers agrees that the parking surveys show that additional space can be accommodated.

The applicant submitted Accident Data which mentions, based on a review of London Collision Data for the past 5 years for the study area that encompassed the walking route. There were no serious or fatal injuries within this time and only two slight incidents, only 1 of which involved a pedestrian. Based on this frequency alone there is no concern regarding accident patterns.

Regarding Cycle Routes, the submitted Transport Assessment provided a brief review of cycle routes surrounding the site. This confirms that many of the residential streets are

recommended by cyclists, with local green spaces linking these routes. Recommended cycle routes within the area connects the majority of local residential communities to the site.

Regarding Buss Route, the development proposals will result in an additional 26 pupils accessing the school using the public bus. There are 6 x 384 services between 07.00-09.00, 3 an hour. This amounts to less than 9 pupils a bus if spread across 3 services. Whilst the 384 service is in a state of flux, with TfL currently consulting on extending the route, the most recent update to the consultation is that the route to JCoSS (Westbrook Crescent) is protected and the existing route around Northfield Road, where some concerns may be raised about conflicts with parked cars, is to be removed. In justifying the proposed route extension, it is stated that "passenger numbers on route 384 are low." First hand experience of witnessing buses arrive at the school also shows that they are not full.

The applicant suggested an informal drop kerb crossing with tactile paving on Lawton Road east of the Victoria Park entrance and west of the crescent, supported by waiting restrictions to prevent parking in the visibility splay.

It is further mentioned that the proposal would not increase number of pupil staying after school for after school activity as the proposed class rooms would not be used for such activities. The proposal would therefore would not increase any trip generation after school hours.

Councils Highway officers were consulted on the proposal. Highway is satisfied with the parking survey, accident data, cycle routes and busses.

Highway officer informed that subject to S106 agreement for School Travel Plan the proposal is considered acceptable.

JCoSS Travel Plan Heads of Terms should include:

- Full School Travel Plan (STP) to be submitted and approved prior to occupation
- STP to meet the criteria in the TFL booklet 'What a School Travel Plan should contain'
- STP to include all previous data and a summary and evaluation of previous measures /initiatives implemented
- Prior to occupation consultation with all members of the school community - staff, pupils and their families, Governors, residents and other stakeholders including Livingstone School
- STP Champion in place for the life of the STP
- Annual staff and pupil hands up survey
- Annual STP review and approval by the Council until the 5th STP review and STARS has been approved
- To maintain current Gold level STARS or equivalent for at least 5 years.
- £5,000 STP monitoring fee

## Trees & Landscape

Policy DM01 states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. Point j of Policy DM01 sets out various requirements regarding hard and soft landscaping.



The submitted arboricultural Impact Assessment prepared by Tyler Grange states that the removal of 13 trees of low arboricultural value (Category C) is necessary to facilitate the Proposed Development. The remaining 18 trees within the vicinity of the Application Site will be retained. Landscaping Strategy proposes 14 new trees to be planted as part of the Proposed Development.

Councils Arboriculturist was consulted on the proposal. The officer informed that, the proposal requires the removal of trees planted around the new school buildings. These trees have established but have not develop any significant visual tree amenity at this stage. Therefore, the impact of the proposal on visual tree amenity can be offset with new tree planting of a similar size.

The officer further informed that, the submitted planting plan dwg no 11898\_TG\_P\_300 provides a good level of replacement tree, shrub and roof top planting.

The submitted arboricultural method statement on dwg no 11898/P04a should be fully implemented throughout all phases of the development and the planting plan should be fully implemented.

The proposal is considered acceptable subject to attached conditions.

### Impact on Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

The submitted Ecological Assessment prepared by Tyler Grange mentions that the majority of habitats within the Application Site largely consist of buildings and hardstanding, both of which are of negligible ecological importance and pose no constraint to the Proposed Development.

It is further mentioned that, a Preliminary Bat Roost Assessment ("PBRA") and Great Crested Newt ("GCN") eDNA survey have been undertaken as part of the Ecological Assessment. The PBRA confirms that the existing buildings either had negligible potential for roosting bats or that no bats were recorded emerging from them during the dusk emergence survey. The eDNA survey also returned a negative result for the presence of GCN.

Councils Ecologist assessed the submitted report and informed that, the site is not within a statutory or non-statutory site. However, Monken Hadley Common, is directly adjacent to the site along its northern boundary and Pymmes Brook SINCS is 300m to the east of the site. Therefore, as a consequence of the close proximity of the SINCS and the ditch (D1 which feeds into Pymmes Brook) to the proposed development, the implementation of a Construction and Environmental Management Plan and sensitive lighting plan are required to mitigate any potential Impacts that could arise as a result of the construction and operation phases of the proposed development.

The officer informed that, in line with the National Planning Policy Framework (NPPF) 2019 in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006; the recommendations provided in Section 4.22 of the PEA report are considered sufficient to provide this required enhancement.

#### **5.4 Response to Consultation**

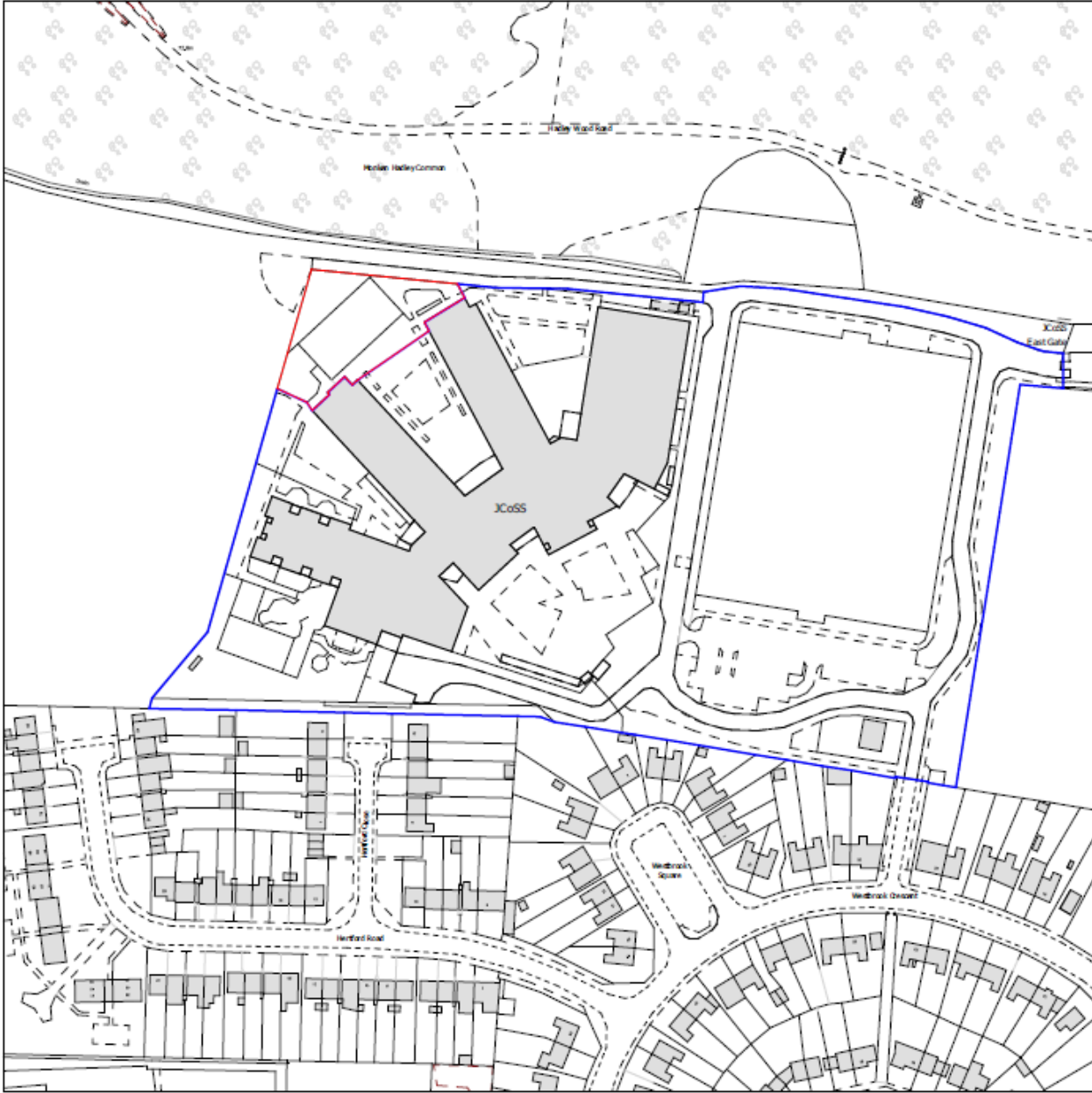
Addressed in the report

#### **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 compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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**Location** Friern Court Friern Barnet Lane London N20 0NJ

**Reference:** 20/2339/FUL

Received: 26th May 2020

Accepted: 28th May 2020

**Ward:** Totteridge

Expiry: 27th August 2020

**Applicant:** Ms Marian Helcke

**Proposal:** Erection of a three-storey building plus accommodation in the roofspace, to accommodate 11 no residential units with associated car parking, new access, cycle storage, refuse storage, and landscaping, following demolition of 10 existing garages

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

**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. 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:

The provision of affordable housing for affordable rent at a proportion of 40% of all the units being provided within the development in accordance with the London Borough of Barnet Nominations Statement.

Monitoring of the Agreement £100.00

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 Service Director – Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control:

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

Drawing No. 16-227 - D-310 - Existing Sectional Elevations - Revision C - August 2017

Drawing No. 16-227 - D-040 - Topographical Survey - Revision A - August 2017

Drawing No. 1960 SLP - 01 - Site Location Plan - 07/04/2020

Drawing No. 1960 (P-)01 - Proposed Site Plan - 15/05/2020

Drawing No. 1960 (P-)02 - Proposed Floor Plans - 15/05/2020

Drawing No. 1960 (P-)03 - Proposed Elevations - 05//2020

Drawing No. 1960 (P-)04 - Proposed Section - 15/05/2020

Drawing No. 1960 (P-)05 - Fire Tender Swept Path Analysis - 15/05/2020

Drawing No. LB 001 - Friern Court Phasing & Logistics Plan - Rev 2 - 31/01/2020

Drawing No. 0100 - Existing & Proposed Levels Plan - Revision P01 - 13/12/19

Drawing No. 0200 - Proposed Drainage Layout Plan - Revision P01 - 13/12/2019

Drawing No. 0400 - Typical Details - Private Drainage - Revision P01 - 13/12/2019

The development hereby permitted shall be carried out in accordance with the following reports and supporting documents:

- Ecology Assessment - 05/04/2018 - prepared by agb Environmental Limited
- Arboricultural Impact Assessment - 26/01/2018
- Transport Assessment - February 2018 - prepared by Vectos
- Daylight, Sunlight and Overshading Assessment - March 2018 prepared by HTA
- Proposed External Materials Schedule - V3 - Job No. 1960 - prepared by MEPK Architects
- Remediation Method Statement - Report No. 19-08-05 - 01/01/2019 - prepared by Geo Integrity
- Phase 1 Ground Contamination Desk Study -- 16/01/2018 - prepared by agb Environmental Limited
- Phase 2 Ground Investigation Report - Project No. P2634.5.0 - 20/09/2017 - prepared by agb Environmental Limited
- Phase III - Geotechnical and Geo-Environmental Intrusive Investigation - Ref. LA/19-08-05 - 04/10/2019 - prepared by Geo Integrity
- Preliminary Roost Feature Inspection Report - Project No. P2634.7.0 - 19/12/2019 - prepared by agb Environmental Limited
- Road Safety Audit Stage - 03/10/2019 - prepared Traffic Management Consultants
- Letter - Job No. 1960 - Statement Regarding Planning Condition 20 - prepared by MEPK
- Sustainability Report - SUT-48641/Friern - Issue 2 - February 2018 - prepared by

Bespoke Builder Services

- Topographical Survey - Demolition & Construction Phase Plan - Rev 4 - Site Logistics & Traffic Management - prepared by Life Build Solutions
- Demolition Asbestos Survey Report - Issue No. 1 - 09/03/2020 - prepared by Vintec
- Foul and Surface Water Drainage Statement - Project 07101 - Revision 2 - 02/02/2018 - prepared by 7 Engineering Consultancy
- Utility Site Investigation Report - Issue 2 - 23/09/2017 - prepared by Premier Energy
- Cascade Summary of Results for Area 1 - file 2760-FRIE.CASX - 13/12/2019
- Cascade Summary of Results for Area 2 - file 2760-FRIE.CASX - 13/12/2019
- Cascade Summary of Results for Area 3 - file 2760-FRIE.CASX - 13/12/2019
- Cascade Summary of Results for Area 4 - file 2760-FRIE.CASX - 13/12/2019
- Technical Specification - BPC Ventilation - Polypipe - Silavent Green Line CMX - Mechanical Extract Ventilation

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 a) The development shall be implemented in accordance with the materials details submitted and approved under 19/6774/CON dated 23/03/2020 unless otherwise agreed 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.

- 4 a) Development or site works shall take place in accordance with the Demolition and Construction Management and Logistics Plan as submitted and approved under 20/0228/CON dated 30/04/2020 unless otherwise agreed in writing by the Local Planning Authority.
- b) If development is unable to be undertaken in accordance with the approved Demolition and Construction Management and Logistics Plan [20/0228/CON]required; no development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be

limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed on the ground terrace areas shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed 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 does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection 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).

7 A Desktop Study was submitted for Council's approval under 19/6774/CON dated 23/03/2020 which was discharged on the basis that the proposal would not be detrimental to environment and public safety.

Any changes in circumstances which would render the approved desktop study irrelevant with regards to the revised proposal would require the following information to be submitted.

#### 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 October 2016) and 5.21 of the London Plan 2016.

- 8 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise 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 the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise 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 April 2013), and 7.15 of The London Plan 2015.

- 9 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved 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.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved measures 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 2016.

- 10 The level of noise emitted from any new external 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 2015.

11 a) Development shall commence on site in accordance with the ventilation/extraction details provided under 20/0228/CON dated 30/04/2020 unless otherwise agreed in writing by the Local Planning Authority.

b) Where development cannot be implemented in accordance with the approved ventilation/extraction details approved under 20/0228/CON; then no development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

12 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 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 2015.

13 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and

construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 14 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the Mayor's London Plan SPG on Sustainable Design and Construction and Policy 7.14 of the Mayor's London Plan in relation to air quality.

- 15 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 prior to the occupation of the hereby approved development.

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 October 2016) and 7.21 of the London Plan 2016.

- 16 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.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than XXXX % 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.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 19 The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority 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

- 20 Prior to occupation of the development, 34 car parking spaces including 2 disabled spaces at ground floor level shall be laid out and implemented within the site in accordance with the approved plans. The approved parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the 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 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 18 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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.

- 22 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of 2 active and 2 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 23 Prior to the commencement of the development, details of any works proposed on public highway shall be submitted to and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety and 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.

- 24 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Reason:

To ensure that adequate public access is provided throughout the development

- 25 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and

achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

26 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.

c) 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 2016.

27 a) No tree felling shall be commenced until an inspection of the tree has been undertaken which details any roosting/nesting areas have been outlined.

b) Cover any trenches, holes or deep pits overnight, or use secured planks to allow any animals that fall in to escape during construction.

A member of staff should check the site at the end of each working day to ensure that these provisions to protect nocturnal species (such as hedgehog, fox and badger) have been made.

b) Any mitigation measures required shall be submitted for approval by the Local Planning Authority and shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

28 Built-in nest boxes such as Schwegler's 1SP "sparrow terrace" can be surface mounted or integrated within new buildings and would provide valuable nesting sites for the declining house sparrow. Three boxes would be appropriate for the situation at Friern Court. Sparrow terraces should be located at least 3m above the ground, avoiding direct sunlight (not directly south-facing) and prevailing wind.

- Proposed new bin and cycle stores can incorporate permanent green roofs planted with grasses and wildflowers (e.g. Green Roof Shelters, 2018).
- A Schwegler 2H robin box can be fixed to the wall of a building or close to an area of infrequently disturbed flat roof or plant deck. The 2H box may be used by robin, fly catcher or black redstart.
- Provide an insect house in a sheltered, warm location e.g. within any new or existing beds within the public open space. This will provide an over-wintering site for beneficial insects such as lady birds and lacewings. Insect houses which incorporate nesting tubes are also beneficial for solitary bees.

Reason: In order to sufficiently address the requirements of the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006

### RECOMMENDATION III:

#### RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 September 2020, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of monitoring the provision for affordable housing and as such, the proposed development fails to provide for affordable housing. 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 2013).

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 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 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at



[www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be

eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 The submitted Construction Method Statement 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. Explain reasoning if not applicable.
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of

Practice;

- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 5 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering

footprint by siting further away from source of poor air quality.

- 7 For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement
- 9 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein

## **Officer's Assessment**

### **1. Site Description**

The application site is situated at Friern Court on Friern Barnet Lane which leads onto the A1000 (High Road), and is located between Whetstone and East Barnet. The subject site is situated approximately 800m to the southeast of Totteridge & Whetstone Underground Station and 1.7km to the south of Oakleigh Park Station. The subject site is bounded to the north by Friern Barnet Lane, by North Middlesex Golf Club to the south (designated as Metropolitan Open Land), a four-storey block of flats to the east and rear gardens associated with two-storey residential properties that front Sherwood Terrace to the west.

Friern Court is a housing estate consisting of 3 blocks of flats arranged and linked in a U-shape.

The site itself is located at the opening the of the U-shape - comprising of a grassed area containing a number of trees, with 10 garages to the east and hardstanding to the north which is currently in use as car parking for the existing flats. The hardstanding provides 18 demarcated spaces and no parking restrictions are currently in place.

A number of trees lie along the southern and eastern boundaries of the Site. The trees located on the eastern boundary are subject to an existing TPO. In addition, trees which lie within Links Court to the east of the Site are also subject to a TPO.

Friern Court is accessed from Friern Barnet Lane to the north, which mostly comprises 2-storey houses and small blocks of flats at 3- and 4-storey. The wider surrounding area to the north, east and west is predominantly residential in character, comprising largely of 2-storey terraced houses and 3- / 4-storey blocks of flats. Queenswell Infant and Nursey School lies 450m to the northeast. Friern Barnet Lane leads onto the A1000 High Road to the west, comprising a number of properties with retail and commercial units to the ground floor and residential units above. Whetstone Town Centre lies 500m to the northwest of the Site.

The site is not subject to any site-specific policy designations or allocations. The site has a Public Transport Accessibility Level (PTAL) score of 2 (where 1 is low and 6 is high) indicating a moderate level of accessibility by public transport. According to the Environment Agency's Flood Zone Maps the Site is located in Flood Zone 1 (low risk of flooding).

### **2. Site History**

Reference: 17/5615/FUL

Address: Friern Court, Friern Barnet Lane, London

Description: Erection of a three storey building plus accommodation in the roofspace, to accommodate 11 no residential units with associated car parking, new access, cycle storage, refuse storage, and landscaping, following demolition of 10 existing garages.

Decision: Erection of a three storey building plus accommodation in the roofspace, to accommodate 11 no residential units with associated car parking, new access, cycle storage, refuse storage, and landscaping, following demolition of 10 existing garages.

Decision Date: 30/11/2017

Reference: 19/4951/NMA

Address: Friern Court, Friern Barnet Lane, London

Description: Non-material amendments to planning permission reference 17/5615/FUL

dated 10/09/2018 for 'Erection of a three storey building plus accommodation in the roofspace, to accommodate 11 no residential units with associated car parking, new access, cycle storage, refuse storage, and landscaping, following demolition of 10 existing garages'. Amendments to include re-wording of condition 14.

Decision: Approved

Decision Date: 01/10/2019

Reference: 19/6774/CON

Address: Friern Court, Friern Barnet Lane, London

Description: Submission of details of conditions 3 (External Materials) 7 (Desktop study) 11 (Drainage) 17 (Tree protection plan) pursuant to planning permission 17/5615/FUL dated 07/09/18

Decision: Approved

Decision Date: 14/02/2020

Reference: 20/0228/CON

Address: Friern Court, Friern Barnet Lane, London

Description: Submission of details of conditions 4 (Demolition and Construction Management and Logistics Plan) 20 (Extraction and Ventilation) 21 (Aerial survey for target note 1 wild cherry) pursuant to planning permission 17/5615/FUL dated 07/09/18

Decision: Approved

Decision Date: 30/04/2020

### **3. Proposal**

Planning permission is therefore sought for the demolition of existing garages and the erection of a 3-storey block with a pitched roof, containing 11 residential units. Two units are included within the roof space, served by dormer windows to the east and west elevations.

The footprint of the proposed building has been amended to set back the east and west wings from Friern Barnet Lane.

The proposed accommodation comprises of the following typologies:

- 1 x 1-bed/2-person wheelchair accessible flat (Internal Space: 65.37sqm)
- 8 x 2-bed/3-person flats (Internal Space: 73.74sqm)
- 2 x 2-bed/4-person flats (Internal Space: 82.26)

All proposed units meet or exceed the London Plan minimum internal space standards and units are designed to be dual-aspect. Pedestrian access to the proposed building is provided to the front and rear of the building.

Eight of the eleven units will have private balconies (1st, 2nd and 3rd floors) and the ground floor units will feature private terraces. The scheme will ensure that there is over 2000sqm of existing external communal amenity space retained in the central, eastern and southern parts of the site for all occupiers of Friern Court. There are also a number of public amenity spaces within walking distance of the site, including Dame Alice Owen's Ground, Whetstone Stray, Swan Lane Open Space, Brook Farm Open Space and Wyatt's Farm Open Space. There are also a number of informal open spaces.

As part of the proposed development the existing vehicular crossover from Friern Barnet Lane would be removed and two new crossovers implemented. The proposed eastern crossover would provide vehicular access to the eastern refuse and recycling stores, and to 1 accessible parking space and 4 standard parking spaces. The proposed western

crossover would provide access to the western refuse and recycling stores, 2 accessible parking space and 39 standard parking spaces, and the 3 existing garages which fall outside of the Site boundary. In total, the subject site would provide 39 car parking spaces (including two accessible parking spaces). This accommodates the residents of the proposed flats at a ratio of 1:1 and re-provides spaces for existing residents.

Safe and secure cycle storage is proposed to the rear of the flat block to accommodate a minimum of 21 cycle spaces.

#### **4. Public Consultation**

Consultation letters were sent to 306 neighbouring properties, with 8 responses received in objection to the application and are summarised as follows:

- Concerns regarding infrastructure constraints
- Concerns regarding parking provision and availability
- Concerns regarding traffic generation and the impact on the surrounding roading network
- Concerns regarding the bulk, form and scale of the development
- Concerns regarding reduced privacy toward neighbouring properties
- Concerns regarding construction noise/nuisance effects
- Concerns regarding privacy and security of neighbouring properties
- Concerns regarding visual amenity
- Concerns regarding littering/anti-social behaviour

##### **4.1 Internal Consultation**

Affordable Housing: Development must secure 40% affordable housing.

Arboricultural Officer: Landscaping conditions recommended to provide detailing of further trees and planting on site to offset/mitigate the loss of these trees.

Highways Officer: No objections subject to recommended conditions (parking spaces as shown, cycle parking storage, construction management and logistics plan, works to the public highway, details of stopping up of the highway)

Environmental Health: No objections subject to recommended conditions (contaminated land, construction method statement, and noise from plant).

Ecology Officer: No objections; subject to conditions

London Fire Brigade: No objections

Local Lead Flood Authority: No objections; subject to recommended conditions.

#### **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 amended on 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

### **The Mayor's London Plan 2016**

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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.

### **Barnet's Local Plan (2012)**

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS9, CS10, CS12, CS14, CS15

Policy CS3 states that 'On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26'.

Policy CS4 states that 'We will aim to create successful communities in Barnet by:

- Seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.
- Seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.
- Seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness.

Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- Seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults.



- Delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.
- Seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.
- On sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

Policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS6 states that in order to promote competitive town centre environments and provide consumer choice, we will realise development opportunities for the town centres of Edgware, North Finchley, Finchley Church End, and Chipping Barnet. We will pursue the individual planning objectives for each centre as set out in their Town Centre Frameworks and ensure the delivery of environmental, design, transport, car parking and community safety measures.

Policy CS9 states that the Council will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS12 states that the Council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together.

Policy CS14 sets out how the Council will encourage sustainable waste management. Promotes waste prevention, re-use, recycling, composting and resource efficiency over landfill.

Policy CS15 states that the Council will work with the Local Strategic Partnership (One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

- Relevant Development Management Policies: DM01, DM02, DM08, DM10, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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 DM03 states that development proposals should meet the highest standards of accessible and inclusive design. Ensuring accessibility can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances.

Policy DM04 states that all major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM10 states that having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. It also sets out parking standards.

#### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### **Supplementary Planning Documents**

#### **Residential Design Guidance SPD (2016)**

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly

obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

### **Sustainable Design and Construction SPD (adopted 2016)**

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide an acceptable level of amenity for future residents;
- Whether the proposals would have an acceptable impact on highway and pedestrian safety;
- Whether the proposals would have an acceptable impact on security in the vicinity of the site;
- Whether the proposals would make adequate provision for drainage; and
- Whether proposals would have a detrimental impact on the ecological values of the site;
- Sustainability & Accessibility Issues

## **5.3 Assessment of proposals**

### **Summary of Changes**

As mentioned above, a similar scheme was previously approved [reference 17/5615/FUL] subject to a S106 agreement dated 30/11/2017. The applicant seeks minor amendments to the approved scheme to allow for a revised access arrangement in order to provide for safer and more efficient access to the site for emergency vehicles.

A number of additional amendments to the scheme have been proposed in conjunction with the revised access arrangement. The summary of changes are as follows:

- Revised Access Arrangement; The proposal seeks to change the location of the north-western vehicle crossing. The vehicle crossing will shift approximately 10m toward the east along the Friern Barnet Lane site boundary. The approved scheme included the vehicle access exactly in the north-western corner of the site.

The proposal also seeks changes to the north-eastern vehicle access and manoeuvring

area (vehicle turning circles) within the site to allow emergency vehicles appropriate access to both the existing buildings and proposed building.

- Parking Arrangement/Additional Parking Spaces - The proposal seeks to change the parking arrangement within the proposed parking area along the western extent of the site.

An existing garage building in the south-western corner of the site will be removed to allow for additional resident parking spaces.

As a result of the revised parking arrangement, the proposed development will provide for one additional parking space overall, resulting in a total of 39 parking spaces (inclusive of 2 accessible spaces).

Furthermore, the revised parking arrangement will see the subject site boundary increase to include the additional parking spaces within the south-western corner of the site.

- Revised Refuse/Recycling Store Location - The proposal seeks changes to the refuse/recycling store located near the north-western entrance. The proposed refuse/recycling store will be relocated approximately 12-13m eastward.

- Tree Protection and Management - The proposed amendments will result in subsequent changes to the requirements of the approved Tree Protection and Management Plan submitted and approved as a part of 19/6774/CON dated 14/02/2020. As discussed in further detail in the assessment below, a revised Tree Protection and Management Plan which details will be secured via a planning condition to this planning approval to reflect the changes to the revised scope of works under the proposed scheme.

- Proposed Apartment Layout - The proposal seeks minor changes to the internal layout of the building to comply with fire rating standards and rearrange the habitable spaces/rooms of the proposed apartments.

The proposed changes are limited to internal layout changes only and will have no impact on the external appearance of the building.

The proposed amendments seek a reduction to the balcony area in comparison with the approved scheme. The proposed balconies remain in the same location across the building facades and will not change the overall bulk and form of the proposed building.

- Retention of an Existing Planter Box

The proposal seeks the retention of part of the existing brick planter box along the Friern Barnet Lane frontage.

### **Whether the principle of the development is acceptable**

Planning permission is sought for the erection of a three-storey development with habitable rooms in the roof space - accommodating a total of 11 flats. A similar scheme has been previously approved [application reference 17/5615/FUL dated 30/11/2017]. However, the applicant seeks changes to the approved scheme to allow for safer and more efficient access to the site, in addition to minor changes to the overall proposal in order to improve the overall amenity of the site and its contribution to the character and amenity of the wider area.

The proposed development would comprise of a single, one-bed wheelchair accessible flat; and, ten, two-bed flats (facilitating a mix of 3-4 persons). The proposed development does not seek to create any additional units, however will be seeking minor changes to the internal layout of the development to improve circulation. The development would continue to be for the benefit of Barnet Homes and all eleven units would be provided as affordable housing utilising the affordable rent product. In principle, the proposed development remains unchanged from the approved scheme [application reference 17/5615/FUL] from the perspective of Policy CS4, Policy DM08, Policy DM10 and Policy 3.10 of the Mayor's London Plan (2016). There has been no significant changes to policy in relation to affordable housing since the approval was granted, however, for completeness, the following assessment discusses these relevant policy matters.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. A fundamental principle of achieving sustainable development, is the ability of a developer to provide housing, which is affordable and which meets local identified need on a previously developed site.

Policy CS4 of the Core Strategy DPD (2012) seeks to ensure a mix of housing products in affordable and market sectors to provide choice for all households. Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

Policy 3.10 of the Mayor's London Plan (2016) states that affordable rented housing should meet the criteria outlined in Policy 3.10 and be let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

The site to which this application relates is considered to be previously developed land given that the development is to be carried out within the curtilage of an already existing residential development on an area of hardstanding and communal open space.

The proposal site has a PTAL rating of 2 and is located in an 'urban' area. The recommended density range for the site according to the London Plan is 200-450hr/ha. The proposed scheme has a density of 74.9 hr/ha, which is below the London Plan recommended range. This low figure is due to the site area including the area of open space to the centre and the parking area which occupies western portion of the Site. However, it has been acknowledged that the density range given in the London Plan is intended as a guideline, and is one of a number of factors to consider when looking at the acceptability of a scheme for a site, including the accessibility of local facilities, the type and scale of surrounding developments, and the character of the surrounding area. The site is within walking distance of the Whetstone & Totteridge town centre which features an array of public services, shops and transport options making it a sustainable location for residential development. Furthermore, although considered later in this report, the design, scale and massing of the development is also a factor, which Officers deem to be acceptable - and thus - to alter this particular development for the purposes of density could resultantly harm the developments design 'fit' with the surrounding area.

In summary, the development would provide affordable housing (of which the applicant seeks to secure a sustained 40% of the proposed residential units as affordable rented accommodation through a S106 agreement, in accordance with local policy requirements) for future occupiers above and beyond affordability levels set out in regional policy, and would contribute to providing a mix of housing products for all households in accordance with Policy DM08. It is therefore considered that the principle of the development would be acceptable.

### **Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality**

The northern and western parts of the site are currently occupied by an area of hardstanding used for surface car parking and garages, as well as some small areas of soft landscaping and grass verges. The remainder of the site to the south comprises open space which is currently underused but provides an element of visual amenity. Policy DM15 (Green Belt and Open Spaces) seeks to protect open space from development except in exceptional circumstances where the development is a small-scale ancillary use which supports the use of the open space, or where equivalent or better open space provision can be made.

As discussed through the initial planning permission [application reference 17/5615/FUL], the proposed development has been subject to a comprehensive design process to ensure that the proposed development responds to the street scene context including the different forms of architecture within the street, the varying scales of development. The initial planning permission was approved on the basis that the proposed development would not result in any detrimental effects on the character and amenity of the surrounding area. This application does not seek any changes to the design of the building itself, therefore the building will not result in any adverse impacts on the wider area, rather it will continue to make a positive contribution to the visual character of the area. The proposed internal layout changes will not require any changes to the fenestration pattern or any other external changes to the proposed building. As such, further assessment of the proposed buildings impact on the character and amenity on the surrounding is not considered necessary as the building will continue to achieve the type of new development as provided for by the Barnet Local Plan.

The proposed siting of the building within the site remains unchanged, and will continue to represent high quality design that will achieve a satisfactory visual appearance which accords with the principles of Section 7 (Requiring Good Design) of the National Planning Policy Framework.

The proposed development will require the removal of trees to enable development. The initial application acknowledged that the proposed development would result in the loss of green space on the site, however, contingent to additional planting and landscaping across the site as a part of the development, the proposed development would make a positive contribution to the biodiversity and visual amenity of the site. A tree protection plan was submitted and subsequently approved under 19/6774/CON [dated 14/02/2020]. The approved tree protection plan and Arboricultural Report forms part of this application, as such, the proposed development will continue to make a positive contribution to the visual amenity of the site.

The proposed development seeks changes to the parking arrangement and subsequent changes to the design and location of the bin storage location in the western extent of the site. These changes are not considered to have any detrimental effects in terms of the overall character and visual amenity of the site and will continue to provide a reasonable

level of visual amenity between neighbouring properties to the west. The proposed development will now include the retention of the "red brick planter box" along the Friern Barnet Lane boundary of the site, where the previous application approved the removal of this planter box. The intended retention of the planter box will not have any detrimental effects in terms of the development's contribution to the Friern Barnet Lane streetscape.

For the reasons outlined above, the proposed development will continue to achieve high quality design while respecting and enhancing the subject sites distinctiveness within the local area. The proposed development will continue to make a positive contribution to the Friern Barnet Lane streetscape and maintain the suburban characteristics of the wider area.

### **Whether harm would be caused to the living conditions of neighbouring residents**

The proposed siting of the proposed building remains unchanged and will not result in any adverse effects over and above that which was discussed in the previous approved scheme. The proposed development will continue to maintain appropriate separation between the existing buildings on the site and will not result in any significant adverse bulk, form and dominance effects on the existing buildings. Any shading impacts on amenity spaces will remain unchanged in comparison to the previous approved scheme. Similarly, the proposed development is sited away from neighbouring properties to the east and west. Additionally, as the overall bulk and form of the building remains unchanged and will not result in any adverse effects in terms of overlooking and loss of privacy, over and above that which was discussed in the previous scheme. For completeness, the Daylight, Sunlight and Overshadowing Assessment (prepared by HTA) submitted as a part of the approved scheme, also forms part of this application and noted that any adverse shading effects resulting from the proposed building will be negligible.

The courtyard design of the approved scheme is no longer viable due to conflicts with fire engine access to the existing dwellings within Friern Court. The revised courtyard design aims to seek greater retention of the existing hard and soft landscaping where practicable. The revised courtyard design will continue to provide adequate amenity space for all residents. Conditions requiring the submission of any landscaping details will help ensure that the courtyard is a functional space which achieves a reasonable level of amenity for residents.

A Demolition and Construction Management and Logistics Plan [DCMLP] was submitted and subsequently approved as a part of 20/0228/CON [dated 27/02/2020]. The same DCMLP forms this application and demonstrates that all appropriate measures to manage construction noise/nuisance effects on neighbouring properties will be implemented during the construction phase and that any construction noise/nuisance effects can be mitigated to a reasonable level.

The proposed development will continue to increase the level of natural surveillance on site; thus it is not considered that there would be an increase in the level crime or security risks within the Court.

### **Whether the proposals would provide an acceptable level of amenity for future residents**

Minor changes to the internal layout of units, however, will not affect the proposed units compliance with minimum internal floor space standards as set out in Table 3.3 Housing Standards Minor Alterations to the London Plan (March 2016) and will therefore continue to

provide high quality residential accommodation.

Each of the proposed units in the proposed block has access to its own private balcony, or private terrace at ground floor level. The balcony design has been revised and reduced in size, however, will continue to meet the minimum balcony dimension requirements of the Mayor's Housing SPG (2016). Residents of the proposed dwellings and nearby flat blocks will also benefit from the existing landscaped communal amenity space provided as part of the development which is in excess of 2000sqm. There are also several public amenity spaces within walking distance of the site, including Dame Alice Owen's Ground, Whetstone Stray, Swan Lane Open Space, Brook Farm Open Space and Wyatt's Farm Open Space.

The proposed design revisions will have no impact on the internal daylight levels of the proposed units. The findings of the Daylight, Sunlight and Overshadowing Assessment (prepared by HTA) remain relevant and no further assessment is required. As such, it is considered that the development will result in satisfactory daylight and sunlight access for the future occupants with little demonstrable overshadowing impacts.

Overall, the proposed changes to the approved scheme will provide high quality residential units that will meet the day-to-day requirements of future residents.

### **Whether the proposals would have an acceptable impact on highway and pedestrian safety**

Local Policy DM17 sets maximum parking standards of 1 space per 1-bed unit and 1.5 spaces per 2-/3-bed unit. It is proposed to provide 11 new parking spaces at a ratio of 1:1 for the proposed units which complies with the parking standards outlined in DM17. The proposed development will be providing 39 parking spaces overall, whereas the approved scheme provided 38 parking spaces overall. The revised parking provision, layout and emergency access provisions has been assessed by the Council's Development Control Engineer who raised no objections to the schemes parking provisions and do not consider that the development will result in undue parking pressures within the surrounding area.

The Council's Development Control Engineer noted that the proposal complies with the London Plan's cycle parking requirements and has suggested that a condition of the application requiring details of cycle parking to be submitted for approval by Council and will ensure adequate and satisfactory cycle parking provision as required by Local Plan Policy CS9 and DM17.

New refuse and recycling stores for the proposed flat block and the existing blocks of flats would be located to the east and west of the proposed block, within a short distance from the highway for ease of collection. The revised location and design of the western refuse/recycling store has been confirmed to be acceptable. A condition of the application requiring details of refuse/recycling storage area to be submitted for approval by Council will ensure highway safety as required by Local Plan Policy CS9 and DM17.

Servicing and deliveries would be made from Friern Barnet Lane to the north of the subject site, as is the current situation for the existing blocks of flats.

The proposed development will provide sufficient access for emergency service vehicles to access the site.

### **Whether the proposals would have an acceptable impact on security in the vicinity of the site**



The proposed development has been reviewed by the Design Out Crime Officer at the Metropolitan Police Service. The Officer has confirmed that they have no objections toward the proposed development. However, the officer has advised the applicant that they are available to advise the applicant if they had any queries regarding Secure By Design standards.

### **Whether the proposals would make adequate provision for drainage**

The proposed development has been reviewed by the SuDs who have confirmed they have no objection toward the proposed development, however have recommended the inclusion of the following condition:

"Development 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 before development is completed."

The proposed condition will ensure that the proposed development will be able to service the site as required for development of this nature and will be in accordance with the relevant standards.

### **Whether proposals would have a detrimental impact on the ecological values of the site**

The proposal was reviewed by Council's Senior Ecologist who found that the site is of limited ecological value and that the proposed development will have no significant detriment to local biodiversity.

Upon reviewing the Roost Assessment prepared by Agb Environmental Limited, the Council's Senior Ecologist agreed with the recommendation to conduct a pre-commencement inspection must be undertaken immediately prior to felling of tree.

The Council's Senior Ecologist also included recommendations to include conditions requiring the development to incorporate ecological design features that would help improve the ecological and biodiversity values of the site. Whilst we acknowledge, that the previous scheme was approved on the basis that no additional ecological design features be incorporated into the design by way of condition; the Council's view on the impact of new development and its ability to contribute to the ecological and biodiversity values of the area has changed. As such it would not be appropriate to include these conditions as a part of this application.

### **Sustainability & Accessibility Issues**

The applicant has submitted the Sustainability Statement as part of the approved scheme which concluded that all residential units within the new development will achieve internal water restrictions of 105 litre/per person / per day, in accordance with Part P of the Building Regulations.

The Energy Statement within the Sustainability Statement demonstrates that the proposed scheme would achieve a 36.38% reduction in Carbon Dioxide emissions with reference to Part L1A 2013 of the Building Regulations, achieved largely through renewable energy in the form of photovoltaic (PV) panels, providing a highly sustainable development, in

accordance with the objectives of the London Plan.

Previously, the London Plan and Barnet's local policy required all new dwellings to be designed to meet the Lifetime Homes standard. In March 2015, the Lifetime Homes standard was abolished. The current equivalent design standard is for compliance with Part M4(2) of the 2013 Building Regulations. The Housing Standards Minor Alterations to the London Plan (March 2016) updated the relevant London Plan policy accordingly, to require all new dwellings that are not designed to be fully wheelchair accessible or adaptable (Part M4(3)) to be designed in accordance with Part M4(2).

Part M4(2) standards include a requirement for dwellings to be provided with step-free access at the entrance point, effectively meaning that developments which include units with entrances above ground floor level now require provision of a lift. London Plan Policy 3.8 states that where it can be demonstrated that the provision of a lift may cause practical difficulties, have implications for the viability of schemes or the affordability of service charges, Building Regulation Part M4(1) can be applied. As assessed through the approved planning permission, due to significant financial viability issues, it was concluded that compliance with these standards would render the scheme unviable given the scheme costs. It would also necessitate an increase in service and maintenance charges which would preclude the opportunity to reduce the (affordable) rent level.

In mitigation, a condition had been imposed under the approved scheme. It would be appropriate to impose such a condition under this application as it would require a strategy document to be provided to demonstrate how the target or standard is being met across the range of schemes coming forward to deliver the affordable housing coming forward.

#### **5.4 Response to Public Consultation**

The majority of the planning issues raised are addressed in the report above.

The drainage services of the site are considered to be appropriate, however further details and clarification of the drainage strategy will be required by pre-commencement condition.

The development consisting of 11 residential units with little traffic generation is not considered to result in any undue pollution generation to an extent that would warrant the applications reason for refusal.

The development proposals would not explicitly make provisions for cycle infrastructure within the borough. This would be achieved through CIL.

Parking mobility on site is not considered to have changed considerably beyond the approved scheme and is therefore not considered to be an issue.

Contaminated land has been considered by environmental health in their review of the scheme. They have recommended a pre-commencement condition to ensure that the sites existing, and future residents are not at risk from potential land contamination.

The applicant has conducted public consultation, however this is not governed by the Local Planning Authority.

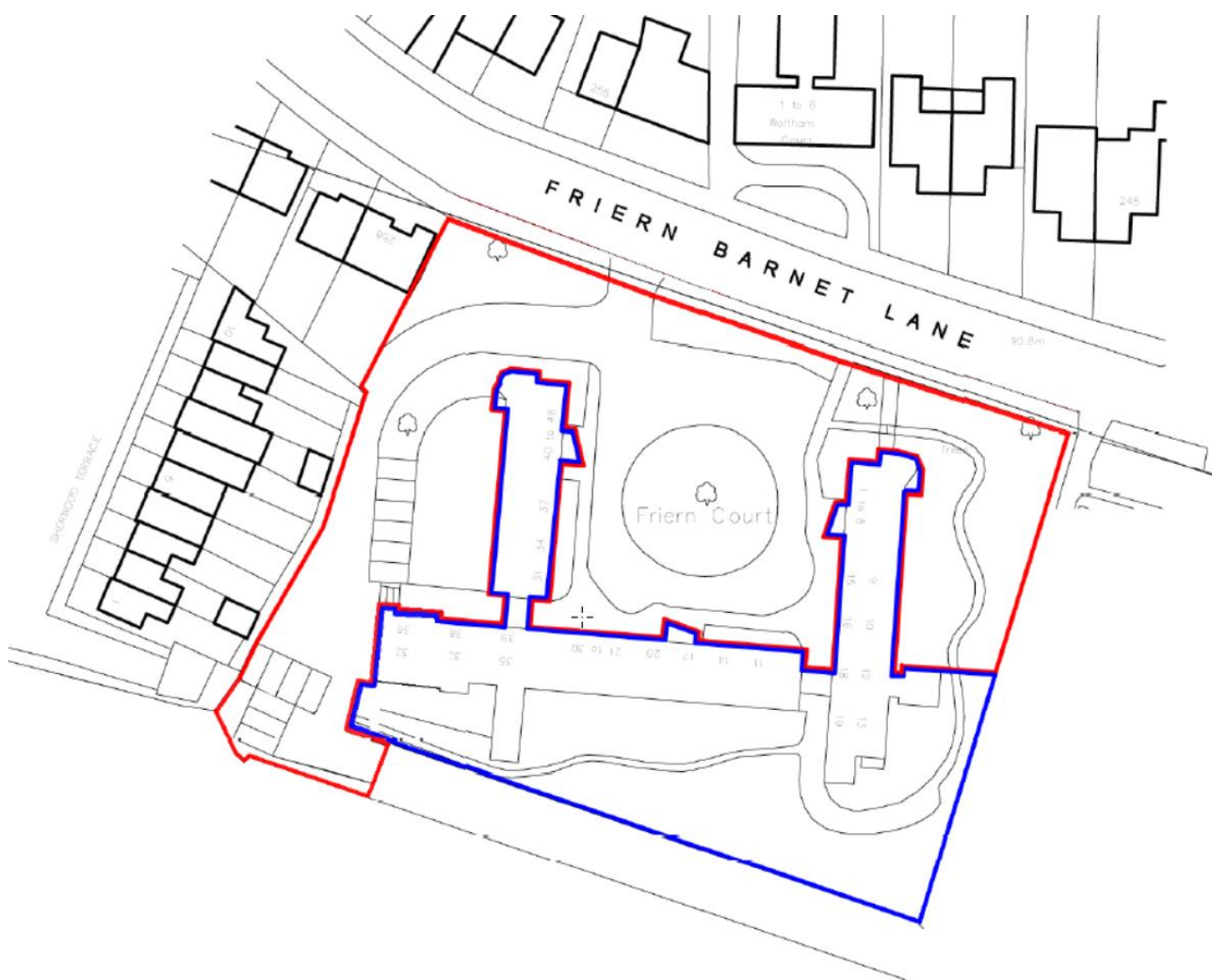
#### **6. Equality and Diversity Issues**

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 compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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**Location**                      **Land North Of Totteridge Academy Barnet Lane London N20 8AZ**

**Reference:**                    **19/6686/FUL**

Received: 18th December 2019

Accepted: 23rd December 2019

Ward:                            Totteridge

Expiry 23rd March 2020

Applicant:                    c/o agent

Proposal:                      Change of use of land to be used as a City Farm with educational farming.  
Erection of animal shelter, raised planters, chicken coops, beehives,  
introduction of new paths and pedestrian access and associated alterations  
to landscaping.

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal 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: Site Location Plan 1003\_01.1.1B; Existing Site Plan 1003\_01.1.2B; Existing Sections 1003\_02.1.1; Proposed Site Plan 1003\_01.2.1F (Rec'd 23 June 2020); Proposed Sections 1003\_02.2.1F (Rec'd 23.06.2020); Proposed Animal Shelter 1003\_01.2.5 E (Rec'd 05.06.2020), Planning Statement, Design and Access Statement, Amended Farm Management Plan (Rec'd 5 May 2020); Foul & Surface Water Drainage Strategy; Tree Survey, Preliminary Ecological Appraisal; Additional Supporting Information(Rec'd 10 February 2020) .

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     a) Prior to the installation of the materials to be used for the external surfaces of the building(s) and hard surfaced areas, including internal paths, access ways and the yard area hereby approved, details shall be provided and 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.

- 4 The site shall be used for educational farming (sui generis) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) or any other use permitted under the Town and Country Planning (General Permitted Development ) (England) Order 2015 as amended.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 5 The use hereby permitted shall be used only by pupils, teachers/support staff, farm workers, local community volunteers and others explicitly listed within the Farm Management Plan (received 5/5/2020).

The maximum number of pupils, support staff and volunteers permitted on site at any one time shall be 35 people provided always that the maximum number of pupils is no more than 30 children.

There shall be no more than 40 people on site at any one time (including farm workers, pupils, volunteers, pupil support staff and all other visitors).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the Green Belt and amenities of the area and nearby residents, in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 6 The site shall not be open to pupils, staff and all other visitors before 8am or after 6pm Mondays to Fridays, before 9am and 5pm Saturdays, and before 10am and after 2pm on Sundays and Bank Holiday.

No deliveries, works by external contractors or use of power tools shall be carried out before 8am or after 6pm Mondays to Fridays, before 8 am and after 2pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To ensure that the use 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 2016.

- 7 The animal stocking levels of the development hereby permitted are critical for animal welfare and to maintaining the quality and vibrancy of the grassland that is a characteristic of the area. At all times the development hereby permitted will:

(a) prioritise animal welfare and landscape quality over any educational or commercial needs. Using best farming practices and guidance available, the number of Livestock Units (LSU) shall not exceed that which the land designated for grazing is capable of supporting; and

(b) The development hereby permitted will manage all areas designated for grazing in such a way as to preserve the grass sward and prevent excessive poaching. Where there is more than 10% of ground damaged, all grazing shall cease and the areas restored. Grazing can then resume but at a lower level in order to prevent a reoccurrence of the damage; and

(c) A breach of this condition will be when, for x 2 consecutive months livestock have cause more than 10% of livestock areas to be poached (damaged) or over grazed. This condition will apply for the duration of the operation of the proposal.

Reason: To enable the Local Planning Authority to ensure the health and wellbeing of the livestock and quality of landscape and grasslands that are an important feature of this area of Barnet, in accordance with Policy DM01, DM04 and DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), and policies 5.11 and 7.19 of the London Plan (2016).

8 No sheep dipping shall be undertaken on any part of the site.

Reason: To ensure that the development meets the objectives of development plan policy biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), and Policies 7.19 and 7.21 of the London Plan (2016).

9 No external lighting shall be installed prior to details of any proposed lighting being submitted to and agreed in writing by the Local Planning Authority. Such lighting must be designed to minimise impacts on bats (as well as other nocturnal fauna) and their insect food and the character and appearance of the green belt. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

Reason: To preserve character and appearance of the green belt and safeguard protected species and nature conservation in accordance with Policy DM15 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012).

10 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 prior to the occupation of the hereby approved development.

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 October 2016) and 7.21 of the London Plan 2016.

11 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

12 a) Prior to the commencement of the hereby approved development, details of a Landscape Management Plan and an Ecological Management Plan in accordance with BS 42020: 2013 for all areas for a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

13 a) Notwithstanding the details already submitted, the site shall not be brought into use until details of the site enclosures and proposed fencing both around and within the site have been submitted to and approved in writing by the Local Planning Authority.



b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the character and appearance of the green belt and the locality and/or the amenities of occupiers of adjoining land and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 14 Prior to the commencement of the hereby approved development, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 3 (long stay) and 7 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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.

- 15 Before this development is commenced, details of the pedestrian footpath access in relation to adjoining land including any changes in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site, the wider area and the green belt and is carried out at suitable levels in relation to the adjoining land having regard to drainage, gradient of access and the health of any trees on the site, 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.

- 16 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 17 Prior to the installation of the chicken coop, raised planters and internal fencing and gates, the details shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To safeguard the character and visual amenities of the site, wider area and the green belt to ensure that the structures are 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.

- 18 There shall be no lighting of bonfires at any time on any part of the site unless prior approval is obtained in writing from the Local Planning Authority.

Reason: To ensure that the amenities of nearby residential properties and the school are protected from poor air quality and odours in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

- 19 The use hereby permitted shall only hold a maximum of x6 Corporate Volunteer Days annually whereby a maximum of 35 volunteers may be permitted on site at any one time and x4 Fun Days annually open to the general public whereby a maximum of 70 people can attend at any one time within the approved opening hours.

Reason: To enable the Local Planning Authority to retain adequate control over the proposed use in this green belt location and to safeguard the amenities of neighbouring properties in accordance with Policies DM04 and DM15 of the Development Management Policies DPD (adopted September 2012) and 7.15 and 7.16 of the London Plan 2016.

- 20 The use hereby permitted shall not be open to the general public or businesses for the selling of produce, before 4pm or after 6pm on weekdays, or before 9am or after 5 pm on Saturdays and 10am or after 2pm on Sundays and no goods other than those cultivated on the site shall be sold on the site unless prior approval is obtained in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over the proposed use in this green belt location and to safeguard the amenities of neighbouring properties in accordance with Policies DM04 and DM15 of the Development Management Policies DPD (adopted September 2012) and 7.15 and 7.16 of the London Plan 2016.

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on

solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 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 complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 4 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the

development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein
- 7 Dollis Brook (Site of Importance for Nature Conservation) is located 100m to the north of the site boundary. The river feeds into the Brent Reservoir, a Site of Special Scientific Interest (SSSI). There is potential for Dollis Brook to be affected by storage, deposition of material, run off etc particularly when the agricultural outbuilding is erected. Therefore, it is important that pollution of the brook is avoided by adhering to CIRIA guidance.
- 8 The applicant states that 'Suitable habitat for reptiles exists immediately north of the site and within small areas of longer grass along the peripheries of the site. The area to be cleared to make way for the associated buildings and vegetable patches is currently low grazed semi-improved grassland of reduced value for reptiles' Therefore, a precautionary phased clearance is recommended where vegetation is cleared in the direction of suitable neighbouring habitat that is to be retained after 10.00hrs on a warm day.
- 9 The hedge with trees on the perimeter of the site is proposed to be retained, however, if the scattered scrub is to be removed this area may contain nesting birds between

1st March and 31st August inclusive. Therefore, if any removal is proposed to be undertaken in the spring and summer months, the site should be subject to a pre-site clearance check for nesting birds.

- 10 The National Planning Policy Framework (NPPF) 2019 aims to achieve sustainable development and places obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006. The recommendations provided in Section 5.11 of the PEA report are considered sufficient to provide this required enhancement and should be included within the EMP.

This application has been called to Committee by Councillor Richard Cornelius on the grounds that this is such a large development in a green belt/metropolitan open land setting that the full ramifications should be explored by the committee so that the pros and cons can be examined publicly.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises an area of open grassland/field (approximately 6 acres) located to the north of the secondary school The Totteridge Academy (TTA), on the western side of Barnet Lane. The land slopes gently down to the north and west. Currently on site are found some beehives, planting beds prepared for cultivation and open grassland. Recently the space has also been used in conjunction with the school as an outdoor space to teach a limited number of pupils the 'GROW' curriculum which engages pupils with nature, teaching nutrition and well-being in an agricultural/farming setting. This element of the use is not currently taking place on the site. Crops however, are currently being grown and sold on the site.

Hedgerow and a palisade fence enclose the site. Open grassland and agricultural fields bound it except for the southern boundary where it adjoins the school and its associated buildings. A substantial hedgerow containing a number of mature trees is found on the southern boundary, which partly screens the school buildings. The other boundaries are also lined by trees and hedges, with the exception of the northern boundary where the palisade fence separates the open field. The site is accessed through the school car park via a single access point, which is secured by a metal gate located in the south eastern corner of the site.

The site falls within designated Green Belt Land and within Article 4 (6) land which removes agricultural permitted development rights. To the north of the site beyond the adjoining field is found a Site of Local Importance for Nature Conservation (SINC) and a metropolitan walk (The London Loop and the Dollis Valley Green Walk). A public footpath is also found to the west of the site, which provides a linking footpath. Although the site is not set within a Conservation Area itself, to the south of the site, adjoining the school boundary is found the Totteridge Conservation Area.

The site is located within a Flood Zone 1 thus having a low probability of flooding.

## 2. Relevant Site History

**Reference:** B/04262/10

Address: The Ravenscroft School, Barnet Lane, London, N20 8AZ

Decision: Approved Subject to conditions

Decision Date: 19th January 2011

Description: Use of field to the north of the site (area 22723sq.m) as school playing field involving levelling for sports use, new pedestrian and vehicular access and the erection of a new boundary fence. Use of existing school playing field (area 22775sq.m) as public open space.

**Reference:** B/00011/11

Address: The Ravenscroft School, Barnet Lane, London, N20 8AZ

Decision: Environmental Statement not Required

Decision Date: 7th January 2011

Description: Environmental impact assessment screening opinion

**Reference:** B/03511/11

Address: The Ravenscroft School, Barnet Lane, London, N20 8AZ

Decision: Approved

Decision Date: 14th March 2012

Description: Submission of details of conditions 3 (Levels), 5 (Fencing & enclosures), 7 (Landscaping-Details), 10 (Services in relation to trees), 12 (Method statement-trees), 13 (Trees- protective fencing), 15 (External lighting), 16 (Pedestrian & vehicular accesses), 17 (Pedestrian & vehicular access bridge) and 21 (Bat surveys) pursuant to planning permission B/04262/10 dated 19/1/11.

**Reference:** B/04446/12

Address: The Ravenscroft School, Barnet Lane, London, N20 8AZ

Decision: Approved

Decision Date: 14th March 2012

Description: Submission of details of Condition No.18 (Construction Management Plan) pursuant to planning permission Ref: B/04262/10 dated: 19/1/2011.

There have also been a number of applications relating to the school including extensions to buildings and other works within the school grounds. Of direct relevance includes:

**Reference:** 19/5037/FUL

Address: Totteridge Academy, Barnet Lane, N20, 8AZ

Decision: Approved subject to conditions

Decision Date: 16th December 2019

Description: Conversion of the existing outdoor sports facility into a MUGA (multi use games area) with new access ramps and steps to sports hall entrance. Replacement of existing fencing and installation of new pedestrian gates. Provision of cycle parking and 6x10m high floodlighting to MUGA.

A recent application within the borough which is also considered of relevance includes:

**Reference:** 19/0581/RCU

Address: Sweet Tree Fields Marsh Lane, London NW7 4EY

Decision: Approved subject to conditions

Decision Date: 4th November 2019

Description: Use of agricultural land for care farming with retention of ancillary buildings, structures, pathways and access road.

### 3. Proposal

During the course of the application the proposal has been amended, with the number of proposed buildings reduced on the site. This included two polytunnels, a Dutch Greenhouse and a packing shed which included a storage room and WC and external hand washing area. The pedestrian access has also been altered.

The amended proposal comprises:

- Change of use of the land to be used as a City Farm with educational farming.
- Erection of an open sided livestock shelter and livestock enclosure to the western part of the site.
- Area of x 12 raised planters and x2 chicken coops (moveable), enclosed by fencing.
- An orchard x 20 trees.
- X 1 Pond to eastern part of site.
- X 4 Beehives, enclosed in fencing to the north east of the site (two of these Beehives plus fencing currently exist on site).
- x 16 cultivation beds adjacent the northern boundary and grassland areas.
- Introduction of new paths and yard area.
- A new pedestrian access with the school on to the southern boundary, some 26 metres west of the schools' Sports Hall.
- associated alterations to landscaping including planting of hedges on the northern and western boundaries, alongside planting some hedges within the site.
- The existing school car parking located to the south of the site would be used by visitors to the site.

The details provided within the Farm Management Plan (FMP) and additional supporting information indicates that it is proposed to create a working farm on the site that will grow organic produce and raise animals. It is intended to supply The Totteridge Academy (TTA) and other local schools with subsidised organic vegetables, as well as the local community and businesses. Additionally, it is intended to provide educational farming sessions for children as part of the 'Grow' curriculum, which is based on food, farming and wellbeing. This educational programme aims to engage young people with nature, through teaching the values of nutrition and well-being in an immersive agricultural setting. It is also proposed to extend the educational element to the wider Barnet community through offering a series of educational workshops such as beekeeping, mushroom growing, forest school sessions, family fun days and flower arranging, outside of school hours. Community volunteering days to learn about food growing and regenerative farming are also proposed, as well as supported volunteering sessions for adults with additional support needs. A maximum of six Corporate Volunteering days a year are also planned.

In the future it is intended to extend the use to include attendees including referrals from special needs schools, families, Barnet Social Services, third party referrals and those discharged from hospitals.

The submitted FMP details that visitors to the site would include children from the local primary and secondary schools. These sessions would run from 9am to 4pm for up to 30 children at a time. These groups would be supported by up to 5 teachers, support workers and/or facilitators. Further supporting information cites that school farming sessions had already been running twice a week for twelve weeks of the year.

A main volunteering day would take place on a Wednesday between 10am and 4pm, although the site would also be accessible to the community outside of normal school opening hours. Up to 25 adult volunteers would be on site assisting with daily farm tasks. The corporate volunteer groups would include up to 35 adults a year.

In terms of staffing levels the FMP states that a full-time farm manager and seasonal farm assistant would be present on the site. Other professionals including invited guests supporting and operation and maintenance of the farm and the operation of Grow would also be present.

The proposal will be for a maximum of 45 people on site although it is hoped to extend their school farming sessions to accommodate up to 40 young people with 5 adults 6 days a week (9am-5pm).

The hours of use proposed are: 8am-6pm Mondays to Fridays, 9am- 5pm Saturdays and 10am-5pm Sundays and Bank Holidays.

The animal inventory detailed in the FMP stipulates an indicative list of animals and stock numbers as follows:

- 20 sheep;
- 8 goats;
- 40 chickens;
- 4 ducks.

#### **4. Public Consultation**

Consultation letters were initially sent to 2 neighbouring properties.

The application was advertised in the press and on site.

652 responses have been received, comprising 649 letters in support, x3 letters in support but with additional comments.

The comments can be summarised as follows: -

- An excellent idea and local initiative, a good use of land, which use to be farmed, environmentally minded, progressive and innovative and will compliment school.
- Will promote confidence and provide fun practical hands on experience and develop life skills (such as teamwork, patience, caring, cost sharing and sometimes disappointment).
- Will improve the learning opportunities for young people. Teaching farming skills, how to connect to /value their environment, how to grow and care for their own food, animal husbandry, wellbeing and how to make healthy choices. Important in global pandemic and obesity crisis.
- Will bring life to land, teaching about land justice, food chains, our wildlife, climate issues, care for our planet, ecological growth, pollution prevention and will reduce/eradicate littering natural environment.
- May inspire children into farming career.



- Schools sometimes miss the "learning of real life" part of education, will teach skills leading to more sustainable and fulfilling life.
- Learning food production can help reduce food insecurity during economic uncertainty.
- Good use of fallow land, will allow us to enjoy fresh ethical, reasonably priced organic produce. People already benefitting from purchasing produce from farm/farm shop.
- Helped provide food packages during lockdown and supports local families in need with food parcels and via food banks.
- Will allow further support of other local produce.
- GROW has been supplying the Barnet Foodshare Coop since it has started producing for business.
- Now UK has left European Union our agricultural sustainability needs developing to ensure UK agricultural dependency.
- Existing small farms in Barnet are private/commercial not open to public.
- Will make a positive impact and a massive benefit/asset to the community. A community hub will bring school and the local community together, including older community. Fulfills so much public good/ good example of excellent community engagement and volunteering benefitting many.
- Brownies and Scouts could use the facilities for badge work and learning life skills.
- Should be extended to other schools, to other London Boroughs and nationwide.
- As Inner London Boroughs can create such learning experiences so should outer London Boroughs.
- Will enrich lives, good for peoples mental and physical health and wellbeing.
- Similar schemes have provided an excellent source of education, wellbeing and positive impact on community.
- Will benefit local economic development, employment benefits and culture of Barnet.
- Project has community's full support.
- Good for people without gardens to have access to city farm nearby, it provides variety of activities for children in holidays.
- An essential, exciting and necessary project for young people in Barnet.
- Students have already enjoyed 'GROW' project. Changed my sons' life, makes him excited to go to school. Will be traumatic if taken away from children.
- Provides an alternative for less academic children.
- Will help daughter feel less anxious about starting a new school.
- Will get young people off the streets, provide a quiet and safe place for younger generation
- need more places for children in Barnet.
- Therapeutic for children with learning difficulties, mental health and special needs. Improves well-being, self-esteem and social interactions. Will benefit pupils from deprived backgrounds.
- the Forest School can include students educated at home to mindful exercises and yoga.
- Interested in involving pupils from their special needs school.
- An outside interest children can add to their CV.
- Government cuts have destroyed so much that would help kids we need this sort of initiative.
- Will save the council money by increasing respect for spaces people use.
- The proposed classroom area can only be positive for Barnet as a whole.
- Welcoming and inclusive.
- Farm is thriving, well kept, managed and organised and interesting project for walkers to view.
- Only operates during the day therefore there will be no noise in the evening.
- Like seeing the chickens would be amazing to have full range of animals.
- Grow has gone from strength to strength within the community with their popular open days and volunteering events.

- If Barnet Council supports scheme will show that it is a progressive, sustainable and caring borough. Barnet Council should be partnering with GROW
- Will enhance biodiversity, encourages nature pathways and increase the pollinators population.
- Land is not overlooked.
- Good use of green belt land, good design for green belt the building is low, simple, enhances and fits into environment, maintains openness. Will not have a negative impact on Green Belt.
- What is alternative. Leave land unused or build concrete blocks/Costas. Good way of keeping open space rather than building more homes. Will secure land from developers who build unaffordable housing.
- Green belt surrounding Dollis valley deserve such ecological initiatives.
- Should look to other boroughs and their innovative use of green belt.
- The school field was previously under used and there are other playing fields on site.
- Will not cause any pollution (noise/light)
- Good site, on edge of town supporting countryside hidden from view.
- Has improved natural surveillance of neighbouring footpaths and safety of walkers.
- TTA has turned itself around to a pillar of the community. Land should be for the benefit of community rather than rich neighbours.
- In line with borough plans to create a regional park in the surrounding area.
- A crowd funded project of great relevance to young and whole community.

Three further representations were also received which support the application as it brings people closer to nature but also commented:

- Scheme is acceptable providing there is no building on green belt land or provides the first step for a future change of use such as flats. - A covenant is suggested that states that the land can only be used for farming or returned to former use.

The Barnet Society supports the application commenting that it is imaginative & Assemble's design response straightforward. A city farm open to the public would add to the area's environmental assets, should be endorsed by the Council's Chipping Barnet Community Plan.

Additional benefits not listed in the Planning Statement are cited and in summary include:

- revitalisation of a historic agricultural landscape;
- an opportunity to mitigate the visual intrusiveness & physical inconvenience to walkers of the present boundary fence.

They seek conditions however for any approval:

1. Reservations are raised regarding durability & visual appropriateness for roofing of black hemp fibre cladding.
2. The accessible paths referred to in the Planning Statement are not shown on plan. Given objections to those at Sweettree Farm, details of their routes & construction must be approved.
3. The poor drainage N & W boundaries is a serious deterrent to walkers who previously could use the higher land. The proposed 'sewer' to the Dollis Brook should be repositioned to run from the N-W corner of the site.
4. For the same reason, a financial contribution towards upgrading the public footpath along the western boundary should be required.
5. The proposed willow hedge would be an attractive way of both disguising the present institutional fence and absorbing some of the surface water run-off.

## Representations from External Consultees

A number of external consultations have taken place and the responses are summarised below.

### **Sports England**

The Sports Council commented that the proposed development does not fall within either their statutory remit, or non-statutory remit and therefore has not provided a detailed response in this case. It does direct the council to general advice to aid the assessment of this application. If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

### **Environmental Agency**

The Environmental Agency commented that a formal consultation is not necessary for this proposal, as the red line boundary is outside the 20 metres of the Dollis Brook main river, and well away from fluvial Flood Zones 2/3.

### **London Wildlife Trust/Barnet Wildlife Trust**

No comments have been received to date.

## Representations from Internal Consultees

### **Environment Health**

Raise no objection subject to conditions. The following comments are made. As a major application an assessment under the Mayor's London Plan for its air quality impacts may be required; the existing fields are being changed to a proposed farm so there will be a net increase in the air pollution. The site is a considerable distance from existing residential. The main issues to assess are air quality, noise impact, contaminated land and odour issues. Other issues not covered by Environmental Health include water contamination and waste storage and it is advised to consult with the Environment Agency and Thames Water with regards to any licences required for the site in terms of water discharge and waste management.

Noise - the impact is likely to be limited due to the relatively high distance to nearest residential, small number of farmstock and proposed site usage. However, details should be submitted of any plant/generators to be installed, in order to assess the impact. Otherwise two noise of plant conditions are proposed. Detail of any proposed heating to buildings are also required.

Air quality - it is suggested that if the existing car park is improved to include electric car charging in line with highways current standards and the planting is increased on site which would be beneficial. An air quality neutral report condition is recommended due to the size of this development and would advise that this should help alleviate concerns about the usage of green belt.

Construction - the construction would be likely to be limited on site. Conditions are proposed that cover construction impacts for air and noise.

Details of heating of the farm building have not been provided. The burning of any solid fuel is strictly controlled as Barnet is a smoke free zone. A condition is proposed if any boilers are to be installed.

Contaminated land - historical land use appears to be fields with no buildings or infills to date. Therefore, there is no need for a contaminated land survey as per condition.

Odour - due to the distance of this site from nearest residential there is unlikely to be any odour concerns. The general government DEFRA guidance available on farm maintenance will cover these aspects.

Following the amendments to the scheme and further information, the requirement for an Air Quality Neutral Report was withdrawn. The reason included that there would be no heating on site, the car park is part of an existing development, visitors will be arriving on foot from the school, or in a bus/mini bus, the site will employ two people requiring fewer parking spaces and on site cycle provision would be provided. Further mitigation measures including boundary and on site planting, no heating and cycle stands. Furthermore it is considered that providing infrastructure for electric vehicles at the existing school car park would be costly, it would be more beneficial to provide hard standing on the farm for electric vehicle provision. Also site is being provided for schools and will be good environment for students to access countryside, alongside being a charity concerned with well-being of community.

An additional condition banning bonfires was also recommended.

## **Policy Section**

Made the following comments:

It is unclear if the use is solely agricultural and that it is actually part of the school albeit open to the community out of school hours. From the descriptions it will be ancillary to the school.

Whilst the NPPF states that agricultural use and buildings in the Green Belt are appropriate use, clarity is needed to be established as to the exact nature of this proposal and its purposes.

Additional comments include:-

- Questions if the Dutch Greenhouses will be artificially lit at night and if so whether there will be an impact on bats and other nocturnal animals.
- Given references to packing shed questions whether there an intention to have a commercial element to this school farm?
- Questions why the toilet isn't plumbed in and requests more information on the compostable toilet regarding impact on water table and close to residential properties
- Barnet Lane is a busy road and the transport assessment is very basic.
- Biodiversity improvements: bat boxes and nesting boxes mentioned, but other initiative required such as hedgehog houses. The wildflower meadow is mentioned in the application information but not shown on the plans. If this is meant to benefit the bees in the proposed beehive there needs to be an understanding of where would be best for the bees as bees do not forage immediately outside their hives.
- the land is identified as Public Open Space (POS) in Barnet's Parks and Open Spaces Strategy (2016-2026). It is not designated however as POS in the Local Plan.

## **Green Spaces Team**

No comments received.

## **Property Services**

No comments received.

In addition, the Lead Local Flood Authority was consulted and the Council's Highways, Ecology and Trees and Landscaping Officers were consulted. They consider the amended scheme to be acceptable subject to conditions. The report will detail their assessment separately.

## **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 19 February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The London Plan is currently under review. The current 2016 Plan is still the adopted Development Plan but the Draft London is a material consideration. The weight attached to the Draft Plan increases as the Plan progresses through the various stages of adoption. The Draft Plan is at an advanced stage as it is near publication subject to the Directions issued by the Secretary of State and therefore carries increasing weight. Applications should however continue to be determined in accordance with the adopted London Plan

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS10, CS11, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM15, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan-Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### Supplementary Planning Documents

Parks and Open Spaces Strategy 2016-2026

Green Infrastructure - Supplementary Planning Document (October 2017)

Playing Pitch Strategy (2017)

Sustainable Design and Construction SPD (adopted October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the use is appropriate for the Green Belt;
- Whether the proposal would result in the loss of public open space or playing fields
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to existing trees, landscaping and ecology;
- Whether harm would be caused to traffic and parking.
- Whether harm would be caused to the drainage of the site.

### **5.3 Assessment of proposals**

#### Principle of Change of Use

The first issue for consideration is whether the proposal would result in a material change of use of the land. As noted in the planning history above, the application site previously formed part of a land swap, whereby existing playing fields to the west of the site were to be relocated to the application site, with the existing playing fields to be returned to public open space. Planning permission was granted under application B/04262/10, which enabled this land swap to take place. This permission included the application site to be used as a school

playing field, involving levelling for sports use, new pedestrian and vehicular access and the erection of a new boundary fence.

The boundary fence and new vehicular access have been provided however the field has not been levelled and no other works have been carried out. The Applicant has contended that although operational development elements of the permission have been implemented (construction of the fence and access) a material change of use in the land has not commenced, as the levelling has not taken place and the site is not suitable for sports playing fields in its current condition. The LPA sought a legal opinion over this issue, which supported this view. The opinion concluded that although the works that have been carried out may be sufficient to constitute material operations for the purpose of commencing the planning permission, the works would not in any event be likely to be sufficient to constitute a change of use. Therefore "the 2011 Permission has not been implemented so as to materially change the use of the site".

In terms of the proposed use the Applicant has stated that the site is to be used for agricultural purposes and as such would not involve development under the definition of development within the Town and Country Planning Act 1990. Therefore, planning permission for the use is not required. This view is supported the Applicant's legal opinion, which was sought during the life of the application.

Officers however do not support this view. It is considered that the proposal would result in a mixed use (Sui Generis use), given the proposed agricultural use of the land would be undertaken in conjunction with an educational use, through the teaching of the GROW curriculum to pupils and the activities to be provided to outside visitors. The educational use would not be ancillary to the agricultural use but a key element of the proposal. The LPA legal opinion also considered this issue and supported the view of officers that the proposal would result in a mixed agricultural and educational use (a Sui Generis Use). The LPA's Counsel commented that:

"the proposed educational activities are not agricultural tasks, and moreover, nor are those activities ancillary or incidental to the agricultural use of the site."

He continued that a general working farm would not have the consistent and frequent level of educational activity, also the number of pupils and visitors in regular attendance would be significantly different to an ordinary working farm. Also the pedestrian link both practically and visually affirms the site's connection to the school. Furthermore, it was considered that the educational activities were not ancillary or incidental to the agricultural use of the site, given the Applicant's primary purpose is to use the site to teach the GROW curriculum. Also the school lessons cannot be regarded as ordinarily incidental to normal farming activities on a regular working farm.

Given the above the following assessment is based on the proposal being considered a Sui Generis Use.

#### Whether harm would result to the Green Belt

The Sui Generis interpretation of the use is key when assessing Green Belt policy given the application site is wholly sited within the Green Belt.

Section 13 of the National Planning Policy Framework (NPPF, 2019) establishes the great importance government attaches to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open. The guidance indicates the

essential characteristics of Green Belts are their openness and their permanence and identifies five purposes:

- To check the uncontrolled sprawl of urban areas
- To prevent neighbouring towns merging into one another
- To assist in the safeguarding of countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 141 states "... LPA's should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity. "

Paragraphs 143 - 144 advocates that inappropriate development is harmful to the Green Belt and should not be granted planning permission except in very special circumstances. In considering planning applications, local authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

Paragraph 145 goes on to state that the construction of new buildings as being inappropriate in the Green Belt, with the exception (in part) of limited number of scenarios to this general approach. Paragraph 146 also comments that "certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it." It goes on to outline such exceptions.

London Plan policy 7.16 states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Local Plan Policies CS7, DM01, DM15 would apply to the proposal in particular Policy DM15 of the Development Management Policy DPD which aims to protect the Green Belt. Although the Policy was formulated before the revised NPPF the aims of the policy echo the provisions of the revised guidance. The policy states:

"ii Except in very special circumstances, the council will refuse any development in the Green Belt.... which is not compatible with their purposes and objectives and does not maintain their openness.

iii The construction of new buildings within the Green Belt, unless there are very special circumstances, will be inappropriate, except for the following purpose:

- a. Agriculture, horticulture and woodland;
- b. Nature conservation and wildlife use; or
- c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL...

The supporting text to the policy confirms that appropriate development in the Green Belt includes development for agriculture. It is important to consider that Barnet planning policy



and the Planning Policy Framework supports agricultural use at the site. This should be an important material consideration in determining the proposal.

In evaluating the scheme it is important to consider whether it would constitute inappropriate development in the Green Belt. As set out above, paragraph 145 identifies a number of exceptions where the construction of new buildings can be supported, which of relevance to this application includes:

a) buildings for agricultural and forestry;

b) the provision of appropriate facilities..... for outdoor sport, outdoor recreation.... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

Although the Applicant has argued that the use is an agricultural use, in the LPA's opinion the proposal would not benefit from these exemptions given above in that the use has been identified as a mixed agricultural and educational use. As such the proposed use does not fall solely within an agricultural use, or a recreational use, (thereby failing the first test of this exception), as these uses cannot be separated from the educational use. Therefore, the proposal goes beyond the uses identified within parts (a) and (b) so these exceptions cannot apply.

The Applicant's legal opinion contends that if the LPA are to adopt the above stance then proposal would meet the exception test of paragraph 146(e) of the NPPF 2019,

"certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it...."

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or cemeteries and burial grounds); "

In terms of the proposed use it is considered that the use could partly meet exception (e) in that the mixed use of agriculture and educational farming would not be an inappropriate development within the Green Belt, given that an agricultural use is supported by national and local plan policy in the green belt and agriculture itself does not require planning permission. Other than the intensity of the use of the land (which is returned to later in the report) the educational element would take place in conjunction with the farming use, utilising the working farm position to provide an educational opportunity. In terms of the built development no singularly dedicated educational building would be erected. Therefore, with regard to Green Belt policy it is considered the mixed use is acceptable providing the use and its associated development and alterations to the landscape do not harm the openness of the green belt and conflict with the purposes of including land within it, which is turned to below.

Openness is not defined within the NPPF, but case law has found open to mean the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. Openness is open textured and a number of factors are capable of being relevant including spatial and visual considerations. Recent case law confirms that it is a matter of planning judgement as to whether, given the amount of building and development, the proposal would preserve the openness of the green belt and whether it would conflict with the purposes of including land within in it. A key consideration is, whether the level and amount of proposed built form, and its impact on the surrounding Green Belt, would be consistent with openness (as distinct from urban sprawl). The visual impact is not irrelevant

and can be taken into account in determining the impact on openness, with the proviso that it should not be determinative on openness.

With regard to the proposal, the scheme has been amended within the course of the application to remove the proposed barn, x2 polytunnels and a Dutch green house in order to reduce the impact of the proposal on the openness of the Green Belt. The amended scheme has been designed to include a yard area (27metres x 18 metres) to the west of the site which is bordered on the western side by a single storey open sided livestock shelter and fenced livestock enclosure area. The shelter would have a maximum width of 14.6 metres and depth of 4.6 metres (including the roof overhang). A mono pitched roof is proposed over with a minimum height of 2.4 metres increasing to a maximum of 3.1 metres. It would be constructed from black painted timber, with a corrugated aluminium roof over. The northern end of the yard would be a fenced area of x12 raised beds and x2 chicken coops (measuring individually approximately 1.5metres x2.5metres). No details have been supplied regarding the design and height of the structures although the D&A Statement includes a typical example of wooden raised planter. A condition is proposed to secure such details and to control their size. Four beehives are also proposed to the north east of the site. Two such beehives currently exist on the site, which are enclosed by a picket type fence with a green netting surround. A main spinal path is proposed to run parallel with the southern boundary from the existing site entrance to the yard area. Two further paths with north south axes, would run on the eastern and western end of the site to allow access to the cultivation beds. A further path would link the yard to the proposed pedestrian access to the south-eastern corner. The paths would be constructed from grasscrete. The remaining parts of the site would be given over to open grassland, an orchard and x16 open cultivation beds.

At the time of the site visit, the site was open, having no buildings, structures or access roads, with the exception of x2 beehives and some picnic tables. Spatially the proposal would result in a more formalised space with an increase in intensity of use and volume of built development, as well as the introduction of structures such as fences and raised beds, beehives and chicken coops and paths. Given its size the livestock shelter would have the greatest impact in terms of built development. It would however be single storey and constructed from materials designed to reflect a typical agricultural/stable building found in the countryside. Given its scale and location to the north west of the site, (seen against the backdrop of the hedgerow and school buildings) the majority of the site would still be read as open land. Although the details have not been provided, raised planters and chicken coops tend to be of a low height and the design would be controlled by a details condition. These would also be located near the livestock shelter, which would cluster the built development and thus maximise the area left for open land/grassland.

The beehives are of a small size and located towards the northeast of the site set amongst open grassland. The growing of crops in themselves, would be an appropriate use of green belt land. The grasscrete construction of the paths will retain a grassland feel whilst reducing the impact of the path directly on the grass especially in wet conditions when grass growth can be damaged.

In terms of the visual impact of the proposal on the openness of the green belt, the proposal results in the once open field becoming more formalised. The site holds an elevated position, with the undulating land allowing long ranged views and vistas over the open countryside. Long views from footpaths and fields can be gained to the site. The proposal would result in the majority of the site remaining open, albeit more intensely utilised for the growing of crops. Currently no established planting is found along the northern boundary where the palisade fence is found. Subsequently the livestock shelter and associated

structures would be visible from the surrounding area. Planting however is proposed along this boundary, which would once established, limit views into the site. Similar planting has been previously approved under application B/04262/10. Hedgerow boundaries are not considered unusual in this part of the Green Belt. Therefore, such planting is not considered to represent an encroachment into the countryside. On balance although the proposal would currently be visible given the nature of the use and limited built develop it is considered the scheme would still preserve the openness of the Green Belt.

In terms of the intensity of use the proposal would result in an increase in the numbers of users on the land, with a maximum of 45 people at any one time proposed on site. It is considered however that 40 people should be the maximum that the site should accommodate, to ensure the noise and activity associated with the use does not impact on the openness of the Green Belt or adversely impact on the amenities of neighbours in the vicinity of the area. The Applicant has provided information that 30 children would form a class with 5 support staff, and two farm workers are proposed to tend the land. This would enable a further 3 facilitators to deliver the teaching. It is therefore considered that a maximum of 40 people on the site whether children or adult volunteers would be reasonable and would still allow the use to function effectively. A condition has been proposed in this regard.

The Applicant has also stated that they wish to hold family funs days. Therefore, in addition to the above a further condition is proposed whereby family fun days could take place, but this would be restricted to allowing up to 70 visitors and would be permitted for only four times a year.

The proposal would also result in a commercial element being introduced whereby subsidised goods are to be supplied to TTA and other schools as well as local businesses and the community. It is considered however that this could result in an unacceptable number of movements of people visiting the site to purchase goods and impact on the Green Belt. Furthermore a security issue may result given the only access is through the school grounds. Therefore, a condition is proposed to restrict the selling of produce to the general public and businesses from the site to restricted times outside of school hours.

With regard to the proposed hours of use, the site would not operate before 8am and beyond 6pm during weekdays and between 9am and 5 pm at the weekend. It is considered that the hours of use should be controlled further to 2pm on a Sunday to safeguard residential amenity, which is discussed further below. It is considered that the proposed hours of use would control the intensity of use, and thus preserve the openness of the Green Belt.

No details regarding lighting have been proposed for the animal shelter or elsewhere on the site within the amended plans. As such a condition has been recommended to control any lighting on the site. This would allow the site to remain dark at night, to reflect the character of a rural area and Green Belt, as well as for ecology reasons.

On balance, it is considered that the structures and the educational farming activities and associated numbers of people present on site resulting from the proposed mixed use would not have a material impact on the openness of the site. Thereby the openness of the Green Belt would be preserved. The site retains large areas of grassland and cultivated areas. The one building on site in the form of a livestock shelter and other structures are not considered to represent an encroachment into the countryside, adding to the perception of urban sprawl. The proposal would therefore meet the test of paragraph 146 (e) of the NPPF and is considered an appropriate use within the Green Belt.

## Impact on the Provision of Public Open Space and Sports Pitches

### **Provision of Public Open Space**

The NPPF (2019) states within paragraph 96 that "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities". Paragraph 97 goes on to say

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policies for managing development within a Local Green Space should be consistent with those for Green Belts. Therefore, identifying the land as POS would not add additional protection given the restrictions of Green Belt Policy.

Policy CS7 of the Core Strategy in part aims to protect open spaces, including the Green Belt, and enhancing open spaces through positive management of the Green Belt to provide improvements in overall quality and accessibility.

The application site is identified as POS in Barnet's Parks and Open Space Strategy (2016-2026). Although this document is a material consideration it must be considered alongside the Local Development Plan, which carries more weight than the strategy document. Within the Local Plan, as confirmed by the Policy Section, the site is not identified as POS.

As previously commented, application B/04262/10 resulted in the previous school playing fields located to the west of the site being returned to POS. The application site was fenced off as part of the school grounds and as confirmed by the Applicant the site is now under the ownership of the school. Therefore, the land swap took place and as such there has been no net loss of POS.

The land has remained as open grassland for use only by the school. The proposal however would allow the public to access the site through its volunteering programme which in part offers a recreational element linked to the educational farming use. Therefore, it is considered that the proposal will allow the site to be used in part, similarly as POS by offering recreational opportunities to members of the public.

### **Provision of Sports Pitches**

An objective of Barnet's Playing Pitch Strategy (2017) follows the Sport England principle of protecting sports facilities from loss as a result of redevelopment. A priority action for Barnet's Playing Pitch Strategy (2017) is that all existing playing field land is protected by the LB Barnet Local Plan, Sport England policies and the NPPF to deliver current and future needs.

With regard to the application site the two sport pitches that were to be constructed under application B/04262/10 have not been provided. Other than inclusion within the description of the previous permission (B/04262/10) that the land should be used as playing fields, there is no planning legal agreement in place or condition attached to the planning permission to tie the two land swap sites together to ensure the sport pitches were provided. Since gaining permission the Applicant has confirmed that no sports pitches have been delineated on the application site and the levelling works to make the land fit for purpose as sports pitches has not been carried out.

Although no detailed assessment has been provided, the Applicant has stated that there is no need for the grass playing field with TTA considering them surplus to requirements. Currently TTA has two pitches and a cricket pitch available on the school playing fields located to the south and west of the main school buildings. A multi-use games area (MUGA) with an all-weather pitch has also been recently approved within the school grounds. The MUGA provides an upgrade to some existing outdoor hard surfaced pitches located adjacent to the existing sports hall. The Applicant has stated that this facility provides a more suitable location for outdoor sports facilities.

Given the existing sports provision on the site, (including the improved facilities of the MUGA), the location of pitches off site on the opposite side of Barnet Lane at King George V Playing Field and that the proposed pitches have never been provided, it is considered the proposal would not result in the unacceptable loss of playing pitches on the site.

#### Impact on the Character of the Area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Policy CS5 of the Core Strategy states that the Council "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design". In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that "development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".

As previously described the character of the area is that of open fields and grassland which are generally lined with trees and hedgerows. Although the proposal would result in open countryside becoming a more intensively farmed piece of land it is considered that the agricultural practices on the site would be acceptable. Although an orchard and cultivated beds are not evident in the surrounding countryside (although some allotments are found to the north enclosed by built development), these will be set within the areas of open grassland. It is also important to note that the growing of crops in is not considered as development within the Planning Act 1990. The site does however lie in an Agricultural Article 4 area, which includes removing the permitted development rights to erect agricultural buildings, which aims to protect the landscape. The size of the site is also too small to benefit from permitted development rights to construct agricultural buildings.

As aforementioned the proposed livestock shelter and other structures would be visible from the surrounding land, especially from the informal path of the adjoining field to the north. They would however be low level and of an agricultural design. There is no public visibility of the building and structures from the streetscene given the setting, access and topography. No changes are proposed to the vegetation around the site, which provides a useful screening, other than the introduction of the pedestrian access to link the site to the school. This would measure approximately 5 metres wide and would result in the loss of part of the hedgerow on the southern boundary. The size of the link has been reduced during the life of the application in order to reduce the loss of hedgerow. It should be noted that a pedestrian access has previously been approved on the site under application B/04262/10, albeit of a smaller width and further east along the boundary.

A condition to secure a landscape management plan has been proposed which would require details on the long term management of the existing trees as well as details on proposed enhancement planting around the site. This will help ensure the site retains its woodland and hedgerow features at the boundaries of the site, which is characteristic of the area. Furthermore, additional planting is proposed along the northern boundary which once established will help screen the proposal. Therefore, although the proposal will have some visual impact on the surrounding countryside on balance it is considered the proposal would not have a detrimental impact on the rural character of the area.

#### Impact on the amenities of neighbours

Any scheme will be required to address the relevant Development Plan policies (policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Other than what appears to be the caretakers cottage within the school grounds, which is located on the southern boundary of the school boundary (approximately 120 metres from the site), the nearest residential neighbours include Long Orchard, Barnet Lane and the rear of the properties located on Oaklands Road. These properties are set approximately 190 metres south of the site with the school and its grounds located in between. To the north of the site beyond open grassland and Dollis Brook at a distance of almost 200 metres are found allotments and the properties of Leaside, Archer Close and Meadow Close. Approximately 190 metres to the east on the other side of Barnet Lane is found the commercial use of the Stables Horse Activity Centre.

The proposal will result in the site being more intensely used. Conditions however have been proposed to control the hours of use and the number of people and animals present on the site at anyone time. Given these measures, in addition to the degree of separation from the nearby residential properties it is considered that the proposal would not result in harmful impacts from traffic generation, noise, dust and odours. Furthermore, the existing hedgerow and woodland areas offer a visual and acoustic barrier to these residential properties. Environmental Health have been consulted and raise no objections to the proposal subject to conditions. In light of the above it is considered that the proposal would not be detrimental the residential and visual amenities of nearby properties.

## Trees and Ecology

The NPPF advocates that the planning system should contribute to and enhance the natural and local environment including "protecting and enhancing valued landscapes" and "minimising impacts on biodiversity".

### **Impact on Trees**

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The Council's Trees and Landscaping Officer has also been consulted and following the amendments to the scheme, including the reduced size of the pedestrian access raises no objection subject to conditions.

The Officer comments that the submitted arboriculture report correctly values the trees and the findings and recommendations are broadly acceptable. In terms of impact on the landscape the scale of the structures and locations have been reduced from that submitted at pre-application and are located close to the school hedge boundary. This approach leaves most of the field open which will be used for market gardening, livestock, poultry and an orchard. The surrounding area has large open fields mainly managed for pasture or arable crops with little noticeable activities. This proposal will alter this and perhaps returns the countryside to an era when the land was more actively managed. Toilets will be dry meaning there is no need for foul water pipes.

The tree works include removal of a small section (as amended during the life of the application) of hedgerow to facilitate access between school and the city farm. Also it is proposed to re-pollard one tree and reduce the height of another to down to a safe level for ecology. These works are considered to be acceptable with the later works required in any event regardless of the application.

In terms of ecology the ecological enhancement recommendations as recommended within the ecology report must be fully implemented.

With respect to landscaping the biggest impact is likely to be choice of fencing, both internal and boundary treatments. Internal fencing must be kept to a minimum and be of an agricultural character. More tree planting along the boundaries would provide long term ecological benefits and help mitigate/soften the impact of the city farm.

The proposal will not have a significant impact on visual tree amenity.

### **Impact on Ecology**

Policy DM16 stipulates that "when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity". In addition, "where development will affect a Site of Importance for Nature Conservation and/or species of importance the council will expect the proposal to meet the requirements of London Plan Policy 7.19E." Policy 7.19E seeks to avoid adverse impact to the biodiversity interest and minimise impact and seek mitigation.

The Council's Ecology Officer has reviewed the Preliminary Ecological Appraisal (PEA) report that supports the application. This evaluates the ecological value of the site and assesses the ecological impacts of the scheme, including identifying possible ecological enhancements that could be incorporated into the development. The following comments were made. It should be noted that these comments were based on the original scheme which included the additional buildings.

Dollis Brook (Site of Importance for Nature Conservation) is located 100m to the north of the site boundary. The river feeds into the Brent Reservoir, a Site of Special Scientific Interest (SSSI). There is potential for Dollis Brook to be affected by storage, deposition of material, run off etc particularly when the agricultural outbuildings /WC's are erected. Therefore, it is important that pollution of the brook is avoided by adhering to CIRIA guidance.

### **Reptiles**

The applicant states that 'Suitable habitat for reptiles exists immediately north of the site and within small areas of longer grass along the peripheries of the site. The area to be cleared to make way for the associated buildings and vegetable patches is currently low grazed semi-improved grassland of reduced value for reptiles' Therefore, a precautionary phased clearance is recommended where vegetation is cleared in the direction of suitable neighbouring habitat that is to be retained after 10.00hrs on a warm day.

### **Lighting**

The site is within a dark landscape and the hedgerow and trees would provide value for commuting bats. Proposals could disturb foraging and commuting bats with additional artificial lighting on site. Due to the close proximity of the designated sites, a condition should be attached on stating that a lighting strategy must be designed to minimise impacts on bats (as well as other nocturnal fauna) and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Open green space such as the wildflower meadow areas and semi improved grassland should remain unlit, particularly between April and October, inclusive. The lighting strategy should be submitted to the LPA for approval.

### **Nesting Birds**

The hedge with trees on the perimeter of the site is proposed to be retained, however, if the scattered scrub is to be removed this area may contain nesting birds between 1st March and 31st August inclusive. Therefore, if any removal is proposed to be undertaken in the spring and summer months, the site should be subject to a pre-site clearance check for nesting birds.

### **Ecological Management Plan**

An Ecological Management Plan (EMP) for the site should be produced and implemented for the site which should be secured through planning condition in accordance with BS 42020: 2013.



## **Biodiversity Enhancements**

In line with the National Planning Policy Framework (NPPF) 2019 in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006. The recommendations provided in Section 5.11 of the PEA report are considered sufficient to provide this required enhancement and should be included within the aforementioned EMP.

The Ecology Officer therefore subject to conditions and submission of an acceptable Ecological Management Plan raises no objection to the proposal.

## Impact on Traffic and Parking

The Council's Highways Officer has reviewed the transport information submitted and his comments are provided below.

"The proposed change of use is unlikely to have a significant impact as the numbers of visitors to the farm during the busy season is expected to be around 70 per day with 15 employees. Most of the visitors are likely to arrive by car, minibus or coach and parking will be available in Totteridge Academy.

The change of use is sui generis and thus based on 15-20 helpers @ 1 space per 8 helpers/staff, 2 long stay spaces are required. For the 70 visitors expected daily 1 space should be provided for every 10 visitors which equates to 7 short stay spaces. Servicing will be accommodated by the Academy and so this are not expected to be an issue.

Also, a construction method statement is requested to ensure that the work is managed sensitively to reduce its impact on the surrounding environment. Both cycle parking and a construction method statement can be secured by way of a planning conditions."

Therefore, Highways would raise no objection to the proposal subject to conditions and informatives.

It should be noted that during of the life of the application further details have been provided which reduces the numbers people on site at any one time. Therefore, the parking requirements as set out above would be less than advised. It is also considered that as only the paths and an animal shelter are to be constructed that a Construction Method statement would not be necessary.

## Impact on Drainage

Drainage advice was sought from the Lead Local Flood Authority (LLFA). They commented that the site is in Flood Zone 1 (although only 75m away from the nearest Flood Zone 2). It is at low risk of flooding from other sources including surface water. However, a small area to the west of the site is at risk of flooding from a small tributary of Dollis Brook. The site is classified as "less vulnerable", under the NPPF Vulnerability Classification as it comes under the category of "land and building used for agriculture and forestry". According to West London Strategic Flood Risk Assessment report, there are historic sewer flooding records in the area and at least half of the site is susceptible to groundwater flooding. SuDS

guidelines do not recommend limited discharge of less than 2 l/s using a flow control device, which could result in considerable risk of control device blockage and excessive maintenance with associated costs. It is recommended discussions to be held with the Environmental Agency to obtain their agreement regarding the maximum discharge they would accept into Dollis Brook.

Initially the Lead Local Flood Authority recommended that the application should not be approved until further information was provided in the form of a Flood Risk Assessment Statement and a Surface Water Management Strategy. Re-consultation took place however following the reduction of buildings on the site to which no objections were raised.

### Other Matters

Paragraph 91 of the NPPF (2019) states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, such as through the provision of safe and accessible green infrastructure and access to healthier foods.

Policy 7.22 of the London Plan encourages the use of land for growing food, particularly in the Green Belt.

The Draft London Plan Policy G2 continues to protect the Green Belt from inappropriate development stating that development proposals that would harm the Green Belt should be refused. It also goes on to state that the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported. The growing of food is identified within the supporting text as a beneficial function.

Policy CS7 of the Core Strategy in part aims to create a greener Barnet by enhancing local food production through support for community food growing including the Mayor's Capital Growth Initiative. Whilst Policy C5 promotes the role of schools as 'community hubs'.

The site is located in an area which is poorly accessible by public transport, however when considered against the benefits of the scheme in that it would support the growing of food, promote social infrastructure through the involvement of the community and not harm the Green Belt or character of the area, on balance the proposal is considered acceptable.

The Applicant has stated that in reaching a decision the recent application at Sweet Tree Fields (19/0581/RUC) for use of agricultural land for care farming is relevant given the use and Green Belt location. It is considered that although there are similar aspects of this scheme compared to the current application, there are also distinguishing factors between the two sites. Notably the Sweet Tree Farm site is much larger and previously had a lawful agricultural use, which would have allowed the construction of some buildings on site through exercising permitted development rights. The application site however is located in an Agricultural Article 4 Area which removes permitted development rights for the construct agricultural buildings and engineering operations. Although given the size of the site the construction of new buildings would not have been permitted in any event.

## Planning Balance

In summary it is considered the proposal is acceptable. Although it would introduce some built development into the Green Belt and result in a more intensive use, on balance it is considered that the use would be an appropriate use within the Green Belt and the proposal would still preserve the openness of the Green Belt. As such it would not conflict with the purposes and function of the Green Belt by unacceptably encroaching into the countryside or result in urban sprawl. The proposal would be visible from the surrounding countryside, but it would be viewed as agricultural land, which is in character with the area, albeit the surrounding land remains as open grassland. Given the previous land swap no POS has been lost. The playing pitches, which were part of the previous permission, have never been provided and their installation cannot be enforced against. Playing pitches still remain elsewhere at the school and some hard surface pitches are being replaced with an upgraded all weather surface MUGA. Therefore the school still has access to playing pitches. Also the application site would be used by the school and would provide a recreational element associated with the educational use. Given the distance from the boundaries and the restrictions imposed by the proposed conditions, the amenities of nearby properties would not be detrimentally harmed. Landscaping and ecology improvements would be provided and secured through a Landscape Management Plan and Ecological Management Plan. The Highways and Drainage Officers have raised no concerns regarding the proposal. The scheme has received significant public support and would provide sustainable development, support healthy lifestyles and access to healthier foods whilst providing community volunteering opportunities.

## **5.4 Response to Public Consultation**

Planning related objections and comments in support have been largely addressed in the report above.

1. The roofing material has been replaced with aluminium sheeting.
2. The accessible paths are shown on the plans and a condition has been recommended to control the materials used for construction.
3. The amended scheme removed the majority of buildings, which could have increased surface water flooding. Therefore, it is not considered reasonable or necessary to seek a financial contribution towards upgrading the public footpath along the western boundary or relocating the 'sewer'.
5. Any future development of the site would be subject to a separate permission and would be considered against relevant Green Belt Policies.

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

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to

policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

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**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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**Location** Land Rear Of Woodland Drive And West Walk, East Barnet, Barnet  
EN4 8NU

AGENDA ITEM 10

**Reference:** 20/1098/FUL

Received: 27th February 2020

Accepted: 27th February 2020

**Ward:** Brunswick Park

Expiry 23rd April 2020

**Applicant:** Mr Freed Developments

**Proposal:** Erection of a conservatory to the rear of each of the 5 houses

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

1180 P 10, 1180 P 11, 1180 P 40 REV B, 1180 P 30, 5932 P 01 REV A, Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Notwithstanding the provisions of any development order made under Section 59 of

the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extensions hereby approved.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

5 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 prior to the occupation of the hereby approved development.

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 October 2016) and 7.21 of the London Plan 2016.

### **Informative(s):**

1 In accordance with paragraphs 38-57 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.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site, a triangular site previously used as allotment land is located between West Walk, Woodfield Drive and Uplands Road. The development that is the subject of this



report is currently accessed via a private road from West Walk. This road also serves garages that belong to properties on West Way.

It should be noted that the 5 houses have previously been approved under planning permission reference 18/1689/FUL. This scheme has been substantially implemented however the access arrangements are to be made good as well as providing landscaping details.

The site is not within a conservation area and is not listed.

## **2. Site History**

18/1689/FUL - Construction of 5 no. two storey terraced dwelling houses including accommodation in the roof. Provision of 8 no. off-street parking spaces, associated refuse storage and amenity space and replacement allotments. Creation of new pedestrian access on Uplands Road. Approved: 25/10/2018 (Planning Committee)

16/4682/FUL - Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments) - Approved: 17/10/2016 (Planning Committee)

15/02741/FUL - Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments) - Approved: 17/09/2015 (Planning Committee)

## **3. Proposal**

The current application seeks planning permission for the 'Erection of conservatory to the rear of each of the 5 houses'

The proposed rear extensions would each have a depth of 2.5 metres from the existing rear wall, an eaves height of 2.2 metres and a maximum height of 3.2 metres to the lean to roof.

The extensions will be built using material to match the materials of the new builds.

This application is a new full planning application which will assess the proposed rear extensions and no other assessment relating to the previously approved development on this site given they have already been implemented. The application does not include any other changes to the previous approval at the site ref: 18/1689/FUL

## **4. Public Consultation**

Consultation letters were sent to 65 neighbouring properties.

7 responses have been received, comprising 6 letters of objection, 1 letter of comment.

The objections received can be summarised as follows:

- site is visible from public highway
- materials
- concerns over proposal not been a conservatory but partitioning walls for an extension
- objection to further development of the site
- overdevelopment of the site
- building prior to permission
- reduced distance between the extension and the south boundary
- encroachment to the boundary line of neighbours and a reduction to their

privacy

## 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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The London Plan is currently under review. 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 should continue to be determined in accordance with the adopted London Plan

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions 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.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide adequate amenities for future occupants;
- Whether harm would be caused to trees.

## **5.3 Assessment of proposals**

As noted above the site has previous approval for 5 terraced houses which were first approved at committee under reference no: 15/02741/FUL. Subsequent applications for minor changes have also been previously approved.

This new application will only assess the proposed single storey additions to the already built houses and will not assess the proposed 5 house which have already been built.

Following a site visit it was noted that the proposed extensions to the built houses have already commenced and well under way and the fences between the properties have also been erected.

Since the original submission the proposed single storey additions have been amended to reduce the depth of the additions from 3m to 2.5m deep and changes have been made to the roof design from a flat roof to a lean to roof. In addition, the proposed glass conservatory style additions have been changed to solid wall structure to reflect the materials used in the new houses which are of brick built.

### **Character and Appearance**

The DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This application involves the erection of a single storey rear extensions and the proposed rear extensions would not be seen from the street scene and as such there will be no impact on the established streetscene.

Policies DM01 and DM02 seek to ensure that new development positively enhances the character and amenity of an area. The character of this area is generally suburban and defined by terraced and semi-detached of no more than 2-storeys immediately surrounding the area. It is considered that there is no objection to a development on site however, this would be on the basis that the resulting development would not detract from the well-established character of the area and the previously approved development and would positively enhance the area.

The proposed single storey rear extensions would add approximately 12m<sup>2</sup> to the originally approved scheme with a depth of 2.5 metres and a maximum height of 3.2 metres which would accord with the councils design guidelines. The proposed rear extension would be modest additions to the overall footprint of the existing approval increasing the overall footprint area of the originally approved scheme from approximately 51m<sup>2</sup> to 63m<sup>2</sup> for each dwelling. It is considered the reduced depth and low height is not considered to detract from the existing scheme as approved and built.

Whilst it is noted the single storey rear additions would effectively increase the footprint of the approved houses however, given the modest size and design of the single storey extensions measuring at 2.5m deep it is not considered this would have any significant impact on the appearance of the new builds to warrant refusal of the application. Furthermore, the extensions can be comfortably accommodated within the envelope of the new houses without compromising the residential amenities of the future occupiers of the units and still maintain sufficient garden space for these units. Therefore, on balance considered to be an acceptable addition and therefore would have no appreciable adverse impact on the newly built development and no impact on the character and appearance of the immediate or the surrounding area.

### **Impact on Neighbouring Amenity**

It will be important that any scheme addresses the relevant development plan policies including DM01, DM02 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring

sites.

Policy DM01 states development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. In respect to the allowance of adequate light provision, the scale of the extension whilst aligning with neighbouring extension of a similar scale poses minimal impact upon the increase loss of light. In terms of impact onto the adjoining neighbours, Barnet's Residential Design Guidance SPD (2016) states that a single storey rear extension with the depth of 3 metres would normally be considered acceptable for terraced properties. In this case, given the proposed extensions are an addition to a new development it was considered a reduced depth of 2.5 metres would be more appropriate. The proposed extension is considered compliant with the requirements under Barnet's Residential Design Guidance SPD (2016).

The proposed extension would be located to the rear of each dwelling and would not change the approved development to the side or the front.

Properties located on Woodfield Drive, West Walk and Uplands Road are separated by service roads. The new buildings will be located 6m away from the rear boundary with Woodfield Drive, 8m away from the rear boundaries with West Walk and 15.5m away from the rear boundaries with Uplands Road. Furthermore, as the site is to the rear of these neighbouring sites, it is important to note that actual neighbouring buildings will be further away, i.e 30m away from Woodfield Drive, 32m away from properties on West Walk and 38.5m away from Uplands Road. With a minimum separation of 30m from any part of the new building, it is not considered that neighbouring privacy will be harmed to a point of detriment.

It is also noted that a number of properties surrounding the rear of the site benefit from outbuilding or garages to the rear of the site therefore the proposed rear extensions would not be readily visible from the rear gardens of these neighboring properties. As a result, the proposal is found to be of a size and design that it would not result in unacceptable levels of harm to the amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD. This includes impacts in terms of daylight, sunlight and overshadowing, noise, disturbance, light pollution, outlook, overlooking, loss of privacy, visual impacts and overbearing relationships.

### **Future occupiers**

The proposed development is considered to have sufficient amount of light through the rear doors and the conservatory style roof. It is noted the private garden space would be reduced; although the proposed rear extension would reduce the overall garden space, it is noted the development will still meet the requirement for dwelling with 5 habitable rooms 55m<sup>2</sup> of garden. All houses exceed this amount.

### **Highways**

It is not considered the addition of the rear extension would impact the existing highways arrangements which will remain the same as the previous approval.

### **Trees**

The proposed development has not shown removal of any trees. Whilst the subject site contains dense vegetation no tree within the site is covered by a tree protection order. One

tree outside the site is noted to be protected. The application seeks to protect this tree during construction - as is normally required. The proposal also seeks to landscape the site. Details of which shall be secured by condition.

#### **5.4 Response to Public Consultation**

Most of the objections raised have been addressed within the report.

Whilst planning permission should be obtained prior to commencement of works any construction works that take place is at the owners risk.

### **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 compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The Officer's Assessment development is not considered to have an adverse impact on the amenities of neighbouring occupiers. On balance this application is therefore recommended for approval.



**COMMITTEE REPORT**

- LOCATION:** The Spinney 22 and The Ridge 28 Hendon Wood Lane, London NW7 4HR
- REFERENCE:** 20/TPO/009
- WARD:** Totteridge
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet The Spinney 22 and The Ridge 28 Hendon Wood Lane, London NW7 4HR Tree Preservation Order 2020 without modification.
  2. That the person(s) making representations be advised of the reasons.

**1. MATERIAL CONSIDERATIONS**

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Service Director – Planning and Building Control dated 4<sup>th</sup> March 2020
- 19/6787/FUL - Full Planning application for Erection of 4no detached dwellings with lower ground floor level following demolition of existing dwellings/scaffolding yard. Alterations to existing access road. Associated refuse/recycling and parking
  - Land At 22 Hendon Wood Lane, London NW7 4HR
  - Validated 2<sup>nd</sup> January 2020
  - Pending Consideration

Although records do not indicate anything current, there is a considerable history of Planning Enforcement investigations at The Spinney, 22 Hendon Wood Lane.

## Background Information/Officers Comments

The Town and Country Planning Act 1990 (as amended) at section 197 states:

“It shall be the duty of the local planning authority—

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
- (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.”

Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’.

National Planning Practice Guidance clarifies that:

“Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.”

- The Guidance states that “‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”
- The Guidance suggests the following criteria should be taken into account: “*Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
  - size and form;
  - future potential as an amenity;
  - rarity, cultural or historic value;
  - contribution to, and relationship with, the landscape; and
  - contribution to the character or appearance of a conservation area.



- In terms of expediency, the Guidance notes “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

“When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission.”

A Tree Preservation Order was made on 4<sup>th</sup> March 2020 in the interest of public amenity in the light of a planning application for redevelopment of land at The Spinney 22 Hendon Wood Lane (19/6787/FUL) and concerns raised by the Re Arboricultural Consultant giving arboricultural advice to the Case Officer(s) about the proposal’s implications for trees who requested that the mature Oak trees on the frontage be considered for possible inclusion in a Tree Preservation Order. The making of the Order was considered justifiable both on grounds of amenity and expediency. As set out below, the trees are considered to be of significant public amenity value – visually and environmentally.

The planning application for “Full Planning application for Erection of 4no detached dwellings with lower ground floor level following demolition of existing dwellings/scaffolding yard. Alterations to existing access road. Associated refuse/recycling and parking” at The Spinney, 22 Hendon Wood Lane, London NW7 4HR (19/6787/FUL), validated on 2<sup>nd</sup> January 2020 is still under consideration.

The Council as Local Planning Authority has power to make a Tree Preservation Order in the interests of amenity to provide for the preservation of trees or woodlands in their area (either initiating this process themselves or in response to a request made by any other party) and a statutory duty to make such Orders as appear necessary in connection with the grant of planning permission for any development to ensure that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

It should be borne in mind that the making of the Tree Preservation Order and assessment of planning application for redevelopment are separate procedures. The inclusion of the trees in an Order would render the trees an ongoing material consideration in any planning application - the merit of trees and appropriateness of retention would be taken into account when assessing the planning application(s). The inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as

allowing imposition of planning condition(s) if deemed appropriate when determining the redevelopment application.

Hendon Wood Lane is a long-established rural lane that links Arkley with Mill Hill, which is characterised by the number of (mainly native) mature trees that grow along the boundaries of the lane and fields. Although there has been piecemeal residential development along parts of the roadside, a substantial number of trees, woodland and fields have been retained. There are still fields at the southern (Mill Hill) end of the Lane - including part of the Totteridge Fields and Highwood Hill Site of Metropolitan Importance for Nature Conservation on the eastern side of the Lane, opposite part of Moat Mount Open Space and Mote End Farm Grade II Site of Borough Importance for Nature Conservation on the western side. Immediately adjacent to the Metropolitan SINC is the Old Cholmeleian Sports Ground, which itself has an area of scrub and trees beside the Hendon Wood Lane frontage; then adjacent is The Spinney 22 Hendon Wood Lane, next door to which is The Ridge 28 Hendon Wood Lane. The Spinney is bounded by the Sportsground to the southern flank and rear (east), the Sportsground also extends behind The Ridge.

The concerns were raised in particular about three Oak trees standing along the Hendon Wood Lane frontage - one beside the access to The Spinney; another partway along the roadside boundary; and the third in the corner of the mainly hard-surfaced front garden area of The Ridge, immediately adjacent to the boundary with The Spinney.

An Arboricultural Report dated 18<sup>th</sup> December 2019 prepared by David Bailey of Old Oak Tree Care was submitted as part of the 19/6787/FUL planning application documents. The BS5837 tree survey provides details of 13 individual trees and 4 groups / hedges. The 3 Oaks about which the Re Arboricultural Consultant had particular concerns are identified by the applicant's own arboriculturists as being mature trees of significant size (20 – 21 metres in height; with trunk diameters 625 / 400 / 1000mm respectively) and in good physiological and structural condition.

In addition, although not identified in the Old Oak Tree Care report (being beyond the sphere of influence of the proposed development subject of 19/6787/FUL), there is a further mature Oak of commensurate size and condition standing in the other corner of the mainly hard-surfaced front garden area of The Ridge, immediately adjacent to the frontage and boundary with Woodhill House, 32 Hendon Wood Lane. Being of similar appearance and at similar spacing, this fourth tree is perceived as being part of a group with the three Oaks referred to above.

It is understood from Land Registry records that the proposed development site (The Spinney) and the adjacent property (The Ridge) are in the same ownership.

The four trees are very clearly visible from Hendon Wood Lane and contribute considerably to the rural character and appearance of the Lane – helping to soften / screen the built form and as a transition to the nearby fields. Not only is public visibility particularly high; but the trees' environmental contribution, for example in terms of linking the patchwork of undeveloped land and providing wildlife habitat are important.

It is believed that the public amenity value of the four Oaks is considerable – as outlined above – and removal would have a significant negative impact on the local environment and its enjoyment by the public. The trees have been assessed as being clearly visible from public places; contributing significantly to the character and appearance of the rural lane, and having ecological value for nature conservation. Inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as allowing imposition of planning condition(s) if deemed appropriate when determining the development application.

With appropriate cultural attention, the trees are capable of contributing to public amenity for a considerable period of time. For the above reasons it has been considered appropriate to include the trees in a Tree Preservation Order.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations. Representations were received from David Bailey of Old Oak Tree Care, the arboriculturist involved with the planning application for redevelopment.

The Tree Preservation Order (TPO) secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The arboriculturist's representations are as follows:

- *“The above TPO has been made in light of a current planning application (19/6787/FUL) and I have been asked to make contact with yourself in relation to it.”*
- *“The owner and I appreciate the value of the tree[s] to locality and can see that they add a lot to the appearance and character of the area. The trees have been considered within the tree report around the proposed development and are not going to be damaged by it (Indeed we are looking to provide additional good rooting area for all of these trees).”*
- *“The trees are an important landscape feature fo[r] the proposed development and no change to their amenity is proposed or expected. They are considered to be a benefit to the proposed development.”*
- *“We are concerned that the Group G1 is described as four oak trees. However, as can be seen in the plans associated with the planning application [attached to e-mail but not included in this report], the strip of land contains 3 oaks, 1 field maple and two smaller hornbeams.”*
- *“Obviously, the naming on the grouping is incorrect and we would like to see the TPO revised to reflect the true nature of trees on-site to prevent any problems in the future.”*
- *“Given the plan is taken from a topographical survey and locations are confirmed (I am happy to add my own confirmation of this), we would prefer the order individually identifies the four trees as individual tree orders as this will be much more precise and leave no doubt as to which trees are covered.”*

In response the Council's Tree and Environment Officer comments as follows:

- (i) It is welcomed that the arboriculturist and owner acknowledge the public amenity value of the trees and their contribution to the character and appearance of the area.
- (ii) Inclusion of the trees in an Order accords with the Local Planning Authority's statutory duty to ensure that adequate provision is made for the preservation of trees and provides enforceability in relation to any tree-related conditions deemed appropriate when determining the development application; as well as allowing some measure of control over treatment considered excessive.
- (iii) The arboriculturist and owner appear to have misread / misunderstood the Tree Preservation Order and Map. Group G1 is depicted on the TPO Map as extending across the roadside frontage of both The Ridge 28, and The Spinney 22, Hendon Wood Lane from the boundary with Woodhill House to that with the Old Cholmeleian Sports Ground and includes the only four Oak trees within that marked location. The plans for the proposed redevelopment (including that attached to the arboriculturist's representation) show only part of the frontage of The Ridge and do not extend to the boundary with Woodhill House. The Map / plans have been prepared for different purposes and the TPO Map includes a longer strip of land.
- (iv) Whilst the arboriculturist's plan does show "*the strip of land contains 3 oaks, 1 field maple and two smaller hornbeams.*", the section surveyed by the arboriculturist and shown on plans in connection with the proposed redevelopment omits the 4<sup>th</sup> Oak immediately adjacent to the frontage and boundary with Woodhill House, 32 Hendon Wood Lane.
- (v) In assessing the trees in connection with the Tree Preservation Order, it was considered that the much younger and smaller Field Maple and two Hornbeams were of poorer quality and inappropriate for inclusion – however, the nearby fourth Oak not shown on the arboriculturist's plan was perceived as part of a group with the three Oaks being of similar maturity, size, spacing, and appearance. It was therefore considered reasonable to designate group G1 of the Order as the group of 4 Oak trees situated at "The Spinney 22 and The Ridge 28 Hendon Wood Lane, London, NW7 4HR" – and this is what is shown on the TPO Schedule and Map.
- (vi) The contention that "*the naming on the grouping is incorrect*" is erroneous, it reflects a misunderstanding of the Order itself. The exclusion of the Field Maple and two Hornbeam was intentional; as is the boundary of the group depicted on the TPO Map; as well as the description and situation specified in the TPO Schedule - the designation of group G1 as comprising 4 Oaks specified as being

situated at “The Spinney 22 and The Ridge 28 Hendon Wood Lane, London, NW7 4HR” in the position marked on the TPO Map is correct.

- (vii) The request that “*we would prefer the order individually identifies the four trees as individual tree orders as this will be much more precise and leave no doubt as to which trees are covered.*” is considered inappropriate and unnecessary. It is assumed that “*the four trees as individual tree orders*” is not intended to mean four separate Orders should be made – rather that the Oaks should each be designated as four individual trees instead of a group within the same Order. There is no need for such modification, in accordance with tree preservation legislation, trees can be designated in four different ways – as an individual tree (T); as part of a specified group (G); within an area defined by reference to a boundary marked on a TPO Map (A); or as part of a woodland defined by reference to a boundary marked on a TPO Map (W) – but each of these designations has the same weight, there is no hierarchy whereby one designation affords greater protection to a tree than another. A TPO can be of any size ranging from a single tree to many thousands and can be composed of one or more of each type of designation. In addition to there being no need to identify each of the trees individually, it should be noted that the designation of the 4 Oaks as a group relates to the collective public amenity value of these trees on the roadside frontage and the integrity of the landscape feature which contributes significantly to maintaining the rural character and appearance of this part of the Hendon Wood Lane.
- (viii) It is also unclear why it would be “*much more precise and leave no doubt as to which trees are covered*” as suggested. There are only four Oak trees along the roadside frontage of The Spinney 22 and The Ridge 28 Hendon Wood Lane, London, NW7 4HR. The boundary of the designated group is clearly shown on the TPO Map. The Schedule clearly specifies that the subject trees are situated at both named properties. It is to be noted that both properties are in the same ownership and the site boundary between the two shown on the arboriculturist’s plan is inconsistent with Ordnance Survey base-mapping and Council records (the arboriculturist’s plan has a small kink beside the largest Oak and marks it as being at The Ridge, whereas other sources of information suggest the tree may straddle the boundary) – the designation of the 4 Oaks as detailed in the Order overcomes this discrepancy and any associated potential inaccuracy. It seems that the uncertainty as to which trees are covered arises from misreading / misunderstanding rather than the drafting of Order.

It is considered that the making of the Tree Preservation Order fully accords with the duty imposed on the Council as Local Planning Authority as being ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’. It is evident that the arboriculturist and owner acknowledge the public amenity value of the trees but appear not to have realised that the Order includes the four Oak trees along the roadside frontage of The Spinney 22 and The Ridge 28

Hendon Wood Lane, or that the TPO Map includes a longer strip of land (extending to the boundary with Woodhill House) than shown on the plans for the proposed redevelopment.

## 2. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

## 3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity. As set out above, it is considered the four Oak trees designated as group G1 of the Order contribute significantly to public amenity and given normal arboricultural attention are capable of providing amenity value for a considerable time. Inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as allowing imposition of planning condition(s) if deemed appropriate when determining the development application.



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