

MEETING

PLANNING COMMITTEE

DATE AND TIME

THURSDAY 26TH NOVEMBER, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Melvin Cohen

Vice Chairman: Wendy Prentice

Maureen Braun

Claire Farrier

Eva Greenspan

Barry Rawlings

Tim Roberts

Agnes Slocombe

Stephen Sowerby

Mark Shooter

Jim Tierney

Substitute Members

Richard Cornelius

Anne Hutton

Devra Kay

Sury Khatri

Gabriel Rozenburg

Laurie Williams

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Monday 23 November, 2015 at 10AM. Requests must be submitted to Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

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

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	1 - 4
2.	Absence of Members	
3.	Declarations of Members Disclosable Pecuniary Interests and Non-pecuniary Interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items (if any)	
7.	Addendum	
8.	31 Wood Street Barnet EN5 4BE (Underhill Ward)	5 - 34
9.	Land West Of Edgwarebury Farm Edgwarebury Lane Edgware HA8 8QX (Edgware Ward)	35 - 68
10.	The Alexandra 1 Church Lane London N2 8DX - 15/02918/FUL (East Finchley Ward)	69 - 94
11.	Stonegrove and Spur Road Estate, Edgware, HA8 8BT (Edgware Ward)	95 - 120
12.	Designation of West Finchley Neighbourhood Plan Area and Forum Report to follow.	
13.	Any Item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE
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Decisions of the Planning Committee

28 October 2015

Members Present:-

AGENDA ITEM 1

Councillor Melvin Cohen (Chairman)
Councillor Wendy Prentice (Vice-Chairman)

Councillor Maureen Braun	Councillor Stephen Sowerby
Councillor Claire Farrier	Councillor Mark Shooter
Councillor Barry Rawlings	Councillor Jim Tierney
Councillor Tim Roberts	Councillor Sury Khatri (In place of
Councillor Agnes Slocombe	Councillor Eva Greenspan)

Also in attendance
Councillor Caroline Stock
Councillor Jack Cohen
Councillor Laurie Williams

Apologies for Absence

Councillor Eva Greenspan

1. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 1 October 2015 were agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Eva Greenspan.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. THE ALEXANDRA 1 CHURCH LANE LONDON N2 8DX - 15/02918/FUL

The Committee noted that the application had been withdrawn from the agenda to allow a full assessment of a noise report to be submitted by the applicant.

8. STONEGROVE & SPUR ROAD ESTATE

The Committee noted that the application had been withdrawn from the agenda to allow for additional public consultation with residents of an adjoining borough.

9. BROOKDENE, 71 HOLDEN ROAD

The Committee noted the addendum to the report.

Having heard oral representations from Peter Pickering, Diane Murphy and ward member Councillor Caroline Stock who spoke in objection to the proposal, and the applicant, Mr Peter Murphy, the Committee:

Resolved to refuse the application, which was a reversal of the Officer's recommendation.

Having being put to the vote, the following was recorded:

For – 6
Against – 3
Abstain – 1

Reasons for refusal:

- 1) The proposed development by virtue of its height, size, scale, bulk and massing would constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).
- 2) The proposed development by virtue of its height, size, scale, bulk, layout and footprint would result in an overdevelopment and over-intense use of the site which would result in a sub-standard level and quality of amenity for future occupiers of the proposed development and existing occupiers adjoining the site. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).
- 3) The detailed design of the proposed development including the materials, building form and elevational design would result in a building that fails to respond to the immediate streetscene context, and the character and appearance of the site and the wider locality. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).

- 4) The proposed development does not include a formal undertaking to meet requirements of a Travel Plan, to prepare a Woodland Management Plan, to contribute to affordable housing, employment and training and to provide sufficient parking without harm to the highway network and highway safety. The proposal would therefore not address the impacts of the development, contrary to policies DM01, DM02, DM04, DM08, DM10, DM12, DM14 and DM17 of the Barnet Development Management Policies (2012) and Policies CS NPPF, CS1, CS4, CS7 and CS9 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

10. 847-851 FINCHLEY ROAD

The Committee noted the addendum to the officer's report.

Having considered the report, the Committee:

Resolved to approve the application as set out in the Officer's report and the addendum.

11. MOTION TO EXCLUDE THE PRESS AND PUBLIC

The Committee

RESOLVED – that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act (as amended).

The Chairman determined that Councillor Laurie Williams could remain in the room for the consideration of this item and the voting process.

12. LAND IN CHILDS HILL WARD

Having considered the report, and having heard from ward member Councillor Jack Cohen who spoke in objection to the proposal, the Committee:

Resolved to note the decision by the Officers to discontinue a planning enforcement investigation concerning planning works without planning permission.

Having being put to the vote, the following was recorded:

For – 6

Against – 5

13. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

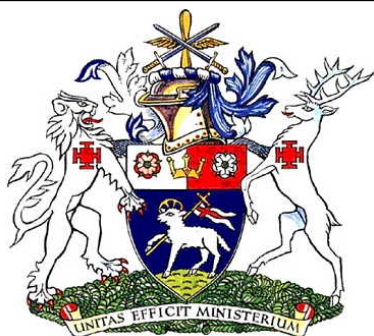
The meeting finished at 8.48 pm

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AGENDA ITEM 8

Planning Committee

26 November 2015



Title	31 Wood Street Barnet EN5 4BE
Report of	Head of Governance
Wards	Woodhouse
Status	Public
Enclosures	Appendix A – Revised Officer report Appendix B – Original report from the Chipping Barnet Area Committee
Officer Contact Details	Paul Frost, Governance Service, Team Leader paul.frost@barnet.gov.uk

Summary

Agenda Item 9, 31 Wood Street Barnet EN5 4BE was reported to the Chipping Barnet Area Planning Committee on 17 September 2015. Following the consideration and voting process the Chairman referred the item to its parent body, the Planning Committee for determination.

Recommendation

1. That the Planning Committee consider and determine the application as set out in the revised report at Appendix A and note the report previously considered by the Chipping Barnet Area Planning Committee, Appendix B, on 17 September

WHY THIS REPORT IS NEEDED

- 1.1 The Constitution gives power to a Chairman of an Area Planning Committee to refer any decision of the Committee to the relevant Committee to which it reports to, by indicating immediately after the decision is taken that he/she requires the decision to be referred up.
- 1.2 The attached report was considered by the Chipping Barnet Area Planning Committee on 17 September 2015. The Committee resolved to approve the planning application being a reversal of the Officers recommendation.
- 1.3 The Chairman referred the item to Planning Committee for the following reasons:
- 1.4 That considering the Committee overturned the Officer's recommendation to refuse the application and approved the application the Chairman referred the item and requested that the Planning Committee consider the application.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the substantive report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As set out in the substantive report.

4. POST DECISION IMPLEMENTATION

- 4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2 As set out in the substantive report.

5.3 Legal and Constitutional References

- 5.3.1 Constitution, Responsibility for Functions- Paragraph 6 sets out the powers available to a Committee in order to resolve an item to be referred

5.4 Risk Management

- 5.5 As set out in the substantive report.

5.6 Equalities and Diversity

- 5.7 As set out in the substantive report.

5.8 Consultation and Engagement

5.9 As set out in the substantive report.

6. BACKGROUND PAPERS

6.1 Report to the Chipping Barnet Area Planning Committee on 17 September 2015.

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=720&MId=8323&Ver=4>

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Location **31 Wood Street Barnet EN5 4BE**

Reference: **14/08043/FUL** Received: 18th December 2014
Accepted: 19th December 2014

Ward: Underhill Expiry 13th February 2015

Applicant: Dr GILLIAN GEAR

Proposal: The proposal seeks planning permission for the demolition of a boundary wall and the erection of a two storey rear extension and a single storey extension to existing basement. (AMENDED DESCRIPTION)

Recommendation: Refuse

- 1 The proposed development would by reason of its mass, bulk and siting result in the loss of public open space and a break in the London Open Space Network contrary to policies 7.18 of the London Plan (2015), policy CS5, CS7 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06 and DM15 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Wood Street Character Conservation Area Character Appraisal
- 2 The proposed development would, by reason of its design, siting, size, layout, scale and loss of open space represent a cramped form of development and an overdevelopment of the site that is out of keeping with and harmful to the character, appearance and setting of the host locally listed building, neighbouring statutory listed buildings, Old Courthouse Recreation Ground and the Wood Street Conservation Area contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06 and DM15 of the Barnet Development Management Policies Document (Adopted September 2012) and the Wood Street Character Appraisal 2012
- 3 The proposed development is likely to have a detrimental impact on the health and appearance of a yew tree of good value, with substantial longevity located within the Wood Street Conservation Area. Furthermore, the proposed mitigation measures would not constitute adequate safety during and after construction. The proposal would therefore be contrary to policy CS NPPF; CS5; CS7 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06, DM16 of the Development Management Policies DPD (adopted September 2012) and The National Planning Policy Framework (2012).

Informative(s):

- 1 The plans accompanying this application are:

2014/01 Rev P
2014/02 Rev P
2014/03 Rev P1
2014/04 Rev P
2014/05 Rev P
2014/06 Rev P
2014/07 Rev P
2014/08 Rev P
2014/09 Rev P1
2014/10 Rev P1
2014/11 Rev P1
2014/12 Rev P
2014/13 Rev P1
Design and Access Statement

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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 were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

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

- 4 The applicant is advised the removal of the Eastern boundary wall will require listed building consent.

Officer's Assessment

1. Site Description

The application site known as No 31 Wood Street (Barnet Museum), comprises a 'L' shaped area of land situated on the Eastern side of Wood Street. The subject site is occupied by an early Georgian terrace property and part of a Council owned park known as the, 'Old Courthouse Recreation Ground'. This early Georgian property is a locally listed feature surrounded by a number of other protected buildings. Neighbouring property, No 33 is a locally listed building, with the remaining neighbour at No 29 (The Coroners Court) being protected by a grade II statutory listing. The application property is located within the Wood Street Conservation Area and an area of archaeological importance.

2. Site History

Reference: B/01474/12

Address: 31 Wood Street, Barnet, EN5 4BE

Decision: Approved subject to conditions

Decision Date: 11 June 2012

Description: Installation of pinned on aluminium black lettering reading 'Barnet Museum' and 'Coat of Arms' sign above Museum door, all to front elevation.

3. Proposal

Since the application was reported to the Chipping Barnet Planning Committee, the applicant has made the following changes,

- o The roof of the extension has been hipped and a dormer window has been included to the South elevation
- o Blank windows added to the East elevation
- o Brick work painted to match the museum
- o Reduction in width of lightwell.

The proposal now seeks planning permission for the demolition of a boundary wall, the erection of a two storey rear extension and a single storey extension to the existing basement.

The proposed two storey extension will contain a depth, width and height of 11.7m x 6.2m and 7.8m (above ground level), respectively. This extension will be located 3.5m from the Western boundary, be built up against the Eastern boundary and will intrude South into the Public Open Space (Old Courthouse Recreation Ground).

The new extension will contain a pitched roof with four identical dormer windows (L x D x H) (1.5m x 6.2m x 1.3m) to the west elevation and 1 dormer to the South Elevation (L x D x H) (1.5m x 6.2m x 1.3m). Dormers on the West Elevation will be evenly separated by a 0.9m gap, contain a set down (2.2m on the West elevation and 1.2m on the South elevation) from the new ridge of the roof and will converge with eaves. The main face of the dormers will therefore be located on the flank and rear walls of the newly erected extension.

With an area of circa 144m², the proposed two storey rear extension will be sufficiently large to accommodate storage space with a work shop (Basement), exhibition space (Ground floor) and educational space (First floor). The new extension will contain step free access.

To accommodate the construction of the extension, the existing boundary wall with the Court House will be replaced with a similar wall of 2.4m in height.

The Old Courthouse Recreation Ground located to the rear of the site will be landscaped so to accommodate the new extension.

4. Public Consultation

Consultation to 40 neighbouring properties, along with a site notice and notice advising a departure from policy were issued.

26 responses have been received, comprising 4 objection letters and 22 letters of support (4 of which have been received since the application was reported to Chipping Barnet Planning Committee). These are outlined below:

Objections:

- The proposed space is being developed on the assumption that an excavation will take place and that, that possible excavation will harvest possible artefacts. The additional space is not justified as the excavation may never happen and if it does happen there is no guarantee that any artefacts will be found and require display.
- The heritage assessment is basic and fails to provide a professional assessment on the impact of the listed buildings
- The Design and Access Statement quotes out-dated policy
- Owing to its mass and height the proposed extension fails to respect the character of the host building. The resulting development dominates the original building
- No evidence that the special historic and architectural interest of the building has been considered
- The extension at No 33 should not be used as a precedent as that extension is less visible from the wider Conservation Area and is considerably smaller in height and mass
- The application has not included an engineering survey demonstrating the proposed excavations will not cause a detrimental impact to neighbouring listed buildings.
- The proposed works will be noisy and disruptive
- The applicant has failed to apply for a listed building consent.
- The proposal will result in a detrimental impact on the Character and appearance of the Conservation Area.
- The applicant has not demonstrated sufficient need to warrant departure from the Development Plan.

Support:

- A Bold, well-constructed and greatly beneficial development that will provide a huge improvement to Barnet Museum
- The improvements will result in economic benefit to the Town in terms of increased visitor numbers
- The additional space being provided is badly required
- The proposed extension would have a positive and welcome impact on the small area it covers
- The addition of disabled access is also of great benefit to the less mobile in our community.
- The proposal will result in 1% reduction of open space

On 9 June 2015, Cllr Paul Edwards requested the application be heard before the Chipping Barnet Area Planning Committee.

Historic England: No objection - If Members are minded to approve the application, details of a report prior to commencement of works can be secured by condition.

Internal

Open Space: Objection in principle to the loss of open space

Highways: No objection

Wood Street Conservation Area Committee: No Comment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework:

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

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This document 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 2015:

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. 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 Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS5, CS7, CS12 and CS13

Barnet Development Management Policies Document Policies: DM01, DM02, DM06, DM15 and DM16

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

These documents are material planning considerations in the determination of applications.

Wood Street Conservation Area Character Appraisal

5.2 Main issues for consideration

The main issues are considered to be the proposals:

- Principle of Development
- Impact on the character and appearance on the Conservation Area, neighbouring listed buildings and general locality
- Impact on Trees
- Impact on amenities

5.3 Assessment of proposals

Context

The Barnet Museum opened in March 1938 to exhibit and archive the growing collection of the Barnet Record Society (now Barnet Museum & Local History Society). The Museum now contains an extensive collection of artefacts reflecting the history of Barnet dating from Neolithic times. The exhibitions can be viewed on three week days (open for 2 hours i.e. 14:30-16:30) and on Saturdays.

One of the central points of interest in the Museum is the Battle of Barnet. The exact location of the battle has been the subject of much discussion. Huddersfield University, the Battlefields Trust and Barnet Museum, are now developing a project to investigate possible locations of the battlefield. Whilst the Design and Access Statement states, this planning application proposes additional floor space for the possible display, education and storage facilities required for artefacts that may be located in the future, it has been brought to the attention of the Local Authority that the Museum requires additional display space for its existing displays - No further justification for additional space has been received.

There has been much discussion over ownership of the museum and the Old Courthouse Recreation Ground, however land ownership is not a material planning consideration. As such planning this report will focus on planning considerations only.

Principle of Development

Parks, Open Space and recreational facilities are planned for, managed and maintained by a variety of agencies operating in a complex legislative and policy context. The NPPF (Para 74) prohibits the loss of open space except in exceptional circumstances. Exceptional circumstances constitute one of the following circumstances:

- o An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- o 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
- o The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

It is noteworthy that policy CS7 (Core Strategy) DM15 (Development Management Plan) echoes these requirements.

The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' provides qualitative and quantitative evidence of the Boroughs open space network and its intrinsic values. It provides a basis for improving the quality and potential uses of open spaces to cater for increasing demand arising from growth and the changing needs of the community. The document identifies the Old Court House Recreational as a good quality local park. The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' does not identify the area to contain a surplus of Open Space.

The proposal seeks permission for an extension to a community facility use that is independent of the Open Space, thereby resulting in its loss without compensation. As the extension is not ancillary to the Open Space and the loss of open space is considered to harm the open character of the area (discussed below), the proposal is not considered to benefit from an exceptional circumstance, thereby rendering the proposal objectionable in principle.

In Addition, policy 7.18 of the London plan 2015, places particular emphasis on the importance of protecting open spaces networks. The London Plan recognizes the importance of local open spaces to local communities within built-up areas. The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' identifies Old Court House Recreational as an integral part of the Boroughs Open Space Network. As the proposal will result in a break in the Open Space network, a further in principle objection to the proposal is raised.

(NB:

- i) It is noteworthy that the additional space required has not been justified. There is no guarantee the location of the battle will be identified or in fact that artefacts will be found and worthy of display. However the loss of open space is objectionable in principle and the possible benefits do not outweigh its loss.
- ii) It is important to note that the NPPF does not differentiate between public and private open space. As such and irrespective of land ownership, the in principle objection stands)

Impact on the character and appearance on the Conservation Area, neighbouring listed buildings and general locality

The Council's approach to development as set out in Policy DM01 is to minimize the impact on the local environment and to ensure that occupiers of new developments as well as neighboring 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. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. DM03 requires new development proposals to meet the highest standards of accessible and inclusive design by demonstrating that they meet the required principles.

Notwithstanding the applicants attempt to mirror the extension at No 33, it important to note that the proposed extension is significantly larger and considerably more visible from the public realm than its neighboring counterpart.

Notwithstanding the proposed changes, the introduction of the proposed extension results in a cramped form of development that is clearly visible from the Old Court House Recreational Open Space. It is considered that the design of the extension is such that it would represent an incongruous and discordant addition to the property which is harmful to the character and appearance of the host building. The scale, overall form and detailing of the proposed extension all fail to take sufficient account of the character of the existing

locally listed building. Due to the deciduous nature of the existing trees the visual impact of the proposal would be exacerbated in the winter months.

DM06 seeks to preserve the heritage of the borough and places significant weight on the setting of a listed buildings. Therefore the impact of a development which affects the setting of a heritage asset will require careful scrutiny. Old Court House Recreational Open Space provides an important break within the built-up area and an ideal setting for the numerous protected buildings. In so doing, it makes a significant contribution to the character and appearance of existing listed features and the wider Conservation Area. The loss of part of a public open space will fail to respect and or preserve the character of the Conservation Area or the setting of the listed buildings and is considered reason in itself to refuse the application.

It is noted that a Heritage Appraisal has been submitted with the application and that this report finds that the proposal would result in less than substantial harm to the listed building, The Coroners Court House, its settings and the Old Court House Recreational, to the north-west of the site and the setting of this building.

However, it is considered that the scale, bulk and siting of the proposed extension is such that it would have a substantial adverse impact on the setting of Cornwall House. The proposed extension would significantly increase the mass and bulk of the building directly adjacent the garden of Coroners Court House, the Old Court House Recreational and would create an overbearing and obtrusive relationship with this space. The form, scale, materials and architectural detailing of the building as extended would fail to be sympathetic with and adversely impact upon the setting of Cornwall House.

The design, height, bulk and mass of the new extension would fail to respect the existing scale of the host building and neighbouring listed building - The Coroners Court House. The changes made to the roof, fenestration and materials are not considered to overcome officers concerns. The proposal is therefore found to be unacceptable in terms of its impact on the character and appearance of the listed buildings and Conservation Area.

The proposal is found to conflict with development plan policy in terms of its impacts on the character and appearance of the existing property and wider area. It would also be contrary to development plan policies which seek to protect the setting of listed buildings. As there are no material considerations which outweigh the harm caused by the conflict with these development plan policies the application is found to be unacceptable in these respects.

Trees

The proposed extension will result in the loss of a number of trees and whilst the proposed loss of the Willow-leaved Pear and Japanese Maple may not be detrimental in themselves, the proposal will have damaging implications for the Yew tree (T1 of John Cromar Report). This tree is assessed as being 9 metres in height, a root protection area (RPA) of 198m² with a life expectancy in excess of 40 years and is described as "Good classic yew shape".

The proposed lightwell directly adjoins the RPA with excavation works likely to encroach into the RPA. The applicants report has not adequately considered the implications of excavation works, the above ground implications or the ongoing pressure for future treatment on the tree.

The Yew currently has a well formed dome-shaped canopy that is currently circa 2.5m above ground level - the lowest branches are slightly lower than the top of the existing

ground floor windows and are extremely close to the building faces. The Arboricultural Report (Para 5.05) states,

"The proposed extension is not continuously habited. The proposed basement will be fully artificially lit. In view of the above I conclude that shading by trees has been considered (as section 5.6.2.6 of BS 5837: 2012 recommends) and appears not significant."

The Arboricultural Report does not appear to be informed by the mainly glazed faces of the proposed dormers (located on the Western elevation) which are proposed to light the proposed first floor education centre, which will directly face the Yew. This fenestration appears to be the main source of light for this area.

Further, the existing large grassed area, which currently provides conducive growing conditions for the Yew, will be considerably reduced, bisected by proposed new pathways and hard surfacing as well as the footprint of the proposed extension and adjacent stairway. Although these hard-surfacing changes are almost wholly within the RPA, they have not been addressed in the Arb Report.

Overall, the proposed changes of surfacing will have several potential impacts:-

- (a) deterioration in Yew's growing conditions - with alterations to drainage patterns (run-off on hard surfacing will not percolate into the rootzone as currently with grassed area), changes to albedo / reflected / retained heat from different surfacing materials, and compaction of ground for hard surfacing;
- (b) root severance / compaction in creation of substrate for new hard surfacing (no-dig techniques will not marry with existing surface levels);
- (c) the proposed new small area immediately beneath the Yew will be in permanent shade - grass will almost certainly not grow so either dense shade tolerant ground cover would be planted which would compete with the restricted growing area or replaced by at best mulch layer; and
- (d) increased on-going compaction of root zone due to increased footfall.

It is considered that not only will there be excavation required within the RPA, but there will be pruning required both at time of construction to facilitate access for scaffolding / equipment / materials etc and on-going pressure for future treatment to:

- (i) increase light to the ground floor and first floor fenestration;
- (ii) facilitate access to the proposed new double doors; and
- (iii) minimise debris on the proposed new stairway and new pathways / hard surfaced areas.

Pruning would detrimentally affect the well-formed dome-shaped canopy of "Good classic yew shape".

The Yew is assessed as being of the highest category - it contributes significantly to the Public Open Space and is of importance both to the setting of the Listed Building as well as the character and appearance of the Conservation Area. The cumulative impacts are considered to be detrimental to both the health and appearance of the Yew and is considered to be reason itself to warrant a reason for refusal,

"The proposal detrimentally affect the health and appearance of, and would result in pressure for future treatment to, a tree of special amenity value contrary to policies DM01; DM06; CS NPPF; CS5; CS7"

Amenity

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.

The proposal is not considered to harm neighbouring amenity to a point of detriment and brings forward an acceptable standard of accommodation for future users.

Highways

Owing to the modest size of the proposal and the high accessibility level of the site, the impact on highway and pedestrian safety is not affected to a point of detriment or warrant a reason for refusal.

Other

An appraisal of the proposal using the Greater London Historic Environment Record and information submitted indicates that the development would not cause sufficient harm to justify refusal of planning permission, in itself, provided that a condition securing a programme of archaeological investigation is secured by condition, should Members be minded to approve the application.

The removal and replacement of the Western Boundary wall will require a listed building application. For the avoidance of doubt, such an application has not been received by the Local Authority.

5.4 Response to Public Consultation

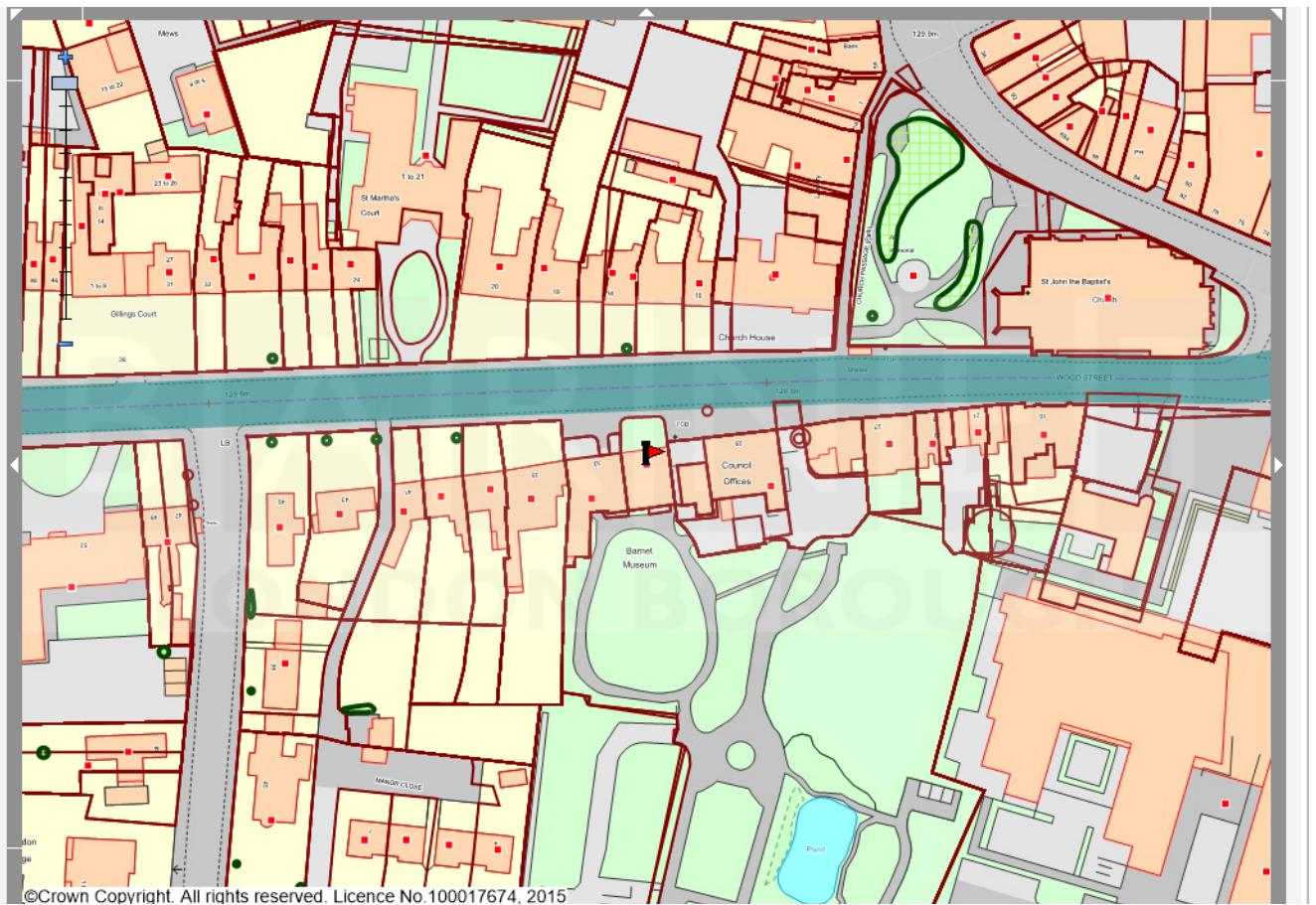
The objections received have been responded to in the main body of this report

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

For reasons set out above the proposal is recommended for REFUSAL.



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Location 31 Wood Street Barnet EN5 4BE

Reference: 14/08043/FUL

Received: 18th December 2014

Accepted: 19th December 2014

Ward: Underhill

Expiry 13th February 2015

Applicant: Dr GILLIAN GEAR

Proposal: The proposal seeks planning permission for the demolition of a boundary wall and the erection of a two storey rear extension and a single storey extension to existing basement. (AMENDED DESCRIPTION)

Recommendation: Refuse

- 1 The proposed development would by reason of its mass, bulk and siting result in the loss of public open space and a break in the London Open Space Network contrary to policies 7.18 of the London Plan (2015), policy CS5, CS7 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06 and DM15 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Wood Street Character Conservation Area Character Appraisal
- 2 The proposed development would, by reason of its design, siting, size, layout, scale and loss of open space represent a cramped form of development and an overdevelopment of the site that is out of keeping with and harmful to the character, appearance and setting of the host locally listed building, neighbouring statutory listed buildings, Old Courthouse Recreation Ground and the Wood Street Conservation Area contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06 and DM15 of the Barnet Development Management Policies Document (Adopted September 2012) and the Wood Street Character Appraisal 2012
- 3 The proposed development would result in the loss of a yew tree of good value, with substantial longevity located within the Wood Street Conservation Area. Furthermore, the proposed mitigation measures would not constitute adequate safety during and after construction. The proposal would therefore be contrary to policy CS NPPF; CS5; CS7 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06, DM16 of the Development Management Policies DPD (adopted September 2012) and The National Planning Policy Framework (2012).

Informative(s):

- 1 The plans accompanying this application are:
2014/01 Rev P
2014/02 Rev P

2014/03 Rev P
2014/04 Rev P
2014/05 Rev P
2014/06 Rev P
2014/07 Rev P
2014/08 Rev P
2014/09 Rev P
2014/10 Rev P
2014/11 Rev P
2014/12 Rev P
2014/13 Rev P
Design and Access Statement

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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 were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for

paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

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

- 4 The applicant is advised the removal of the Eastern boundary wall will require listed building consent.

Officer's Assessment

1. Site Description

The application site known as No 31 Wood Street (Barnet Museum), comprises a 'L' shaped area of land situated on the Eastern side of Wood Street. The subject site is occupied by an early Georgian terrace property and part of a Council owned park known as the, 'Old Courthouse Recreation Ground'. This early Georgian property is a locally listed feature surrounded by a number of other protected buildings. Neighbouring property, No 33 is a locally listed building, with the remaining neighbour at No 29 (The Coroners Court) being protected by a grade II statutory listing. The application property is located within the Wood Street Conservation Area and an area of archaeological importance.

2. Site History

Reference: B/01474/12

Address: 31 Wood Street, Barnet, EN5 4BE

Decision: Approved subject to conditions

Decision Date: 11 June 2012

Description: Installation of pinned on aluminium black lettering reading 'Barnet Museum' and 'Coat of Arms' sign above Museum door, all to front elevation.

3. Proposal

The proposal seeks planning permission for the demolition of a boundary wall, the erection of a two storey rear extension and a single storey extension to the existing basement.

The proposed two storey extension will contain a depth, width and height of 11.7m x 6.2m and 7.8m (above ground level), respectively. This extension will be located 3.5m from the Western boundary, be built up against the Eastern boundary and will intrude South into the Public Open Space (Old Courthouse Recreation Ground).

The new extension will contain a pitched roof with four identical dormer windows (L x D x H) (1.5m x 6.2m x 1.3m). Each dormer will be evenly separated by a 0.9m gap, contain a set down (2.2m) from the new ridge of the roof and will converge with eaves. The main face of the dormer will therefore be located on the flank wall of the newly erected extension.

With an area of circa 144m², the proposed two storey rear extension will be sufficiently large to accommodate storage space with a work shop (Basement), exhibition space (Ground floor) and educational space (First floor).

To accommodate the construction of the extension, the existing boundary wall with the Court House will be replaced with a similar wall of 2.4m in height.

The Old Courthouse Recreation Ground located to the rear of the site will be landscaped so to accommodate the new extension.

4. Public Consultation

Consultation letters were issued to 40 neighbouring properties.

22 responses have been received, comprising 4 objection letters and 17 letters of support. These are outlined below:

Objections:

- The proposed space is being developed on the assumption that an excavation will take place and that, that possible excavation will harvest possible artefacts. The additional space is not justified as the excavation may never happen and if it does happen there is no guarantee that any artefacts will be found and require display.
- The heritage assessment is basic and fails to provide a professional assessment on the impact of the listed buildings
- The Design and Access Statement quotes out-dated policy
- Owing to its mass and height the proposed extension fails to respect the character of the host building. The resulting development dominates the original building
- No evidence that the special historic and architectural interest of the building has been considered
- The extension at No 33 should not be used as a precedent as that extension is less visible from the wider Conservation Area and is considerably smaller in height and mass
- The application has not included an engineering survey demonstrating the proposed excavations will not cause a detrimental impact to neighbouring listed buildings.
- The proposed works will be noisy and disruptive
- The applicant has failed to apply for a listed building consent.
- The proposal will result in a detrimental impact on the Character and appearance of the Conservation Area.
- The applicant has not demonstrated sufficient need to warrant departure from the Development Plan.

Support:

- A Bold, well-constructed and greatly beneficial development that will provide a huge improvement to Barnet Museum
- The improvements will result in economic benefit to the Town in terms of increased visitor numbers
- The additional space being provided is badly required
- The proposed extension would have a positive and welcome impact on the small area it covers
- The addition of disabled access is also of great benefit to the less mobile in our community.
- The proposal will result in 1% reduction of open space

On 9 June 2015, Cllr Paul Edwards requested the application be heard before the Chipping Barnet Area Planning Committee.

Historic England: No objection - If Members are minded to approve the application, details of a report prior to commencement of works can be secured by condition.

Internal

Open Space: Objection in principle to the loss of open space

Highways: No objection

Wood Street Conservation Area Committee: No Comment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework:

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

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This document 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 2015:

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. 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 Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS5, CS7, CS12 and CS13

Barnet Development Management Policies Document Policies: DM01, DM02, DM06, DM15 and DM16

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013). These documents are material planning considerations in the determination of applications.

Wood Street Conservation Area Character Appraisal

5.2 Main issues for consideration

The main issues are considered to be the proposals:

- Principle of Development
- Impact on the character and appearance on the Conservation Area, neighbouring listed buildings and general locality
- Impact on Trees
- Impact on amenities

5.3 Assessment of proposals

Context

The Barnet Museum opened in March 1938 to exhibit and archive the growing collection of the Barnet Record Society (now Barnet Museum & Local History Society). The Museum now contains an extensive collection of artefacts reflecting the history of Barnet dating from Neolithic times.

One of the central points of interest in the Museum is the Battle of Barnet. The exact location of the battle has been the subject of much discussion. Huddersfield University, the Battlefields Trust and Barnet Museum, are now developing a project to investigate possible locations of the battlefield. In the event the exact location of the battle is identified an archaeological dig may reveal artefacts that could require display space. This planning application proposes additional floor space for the possible display, education and storage facilities required for artefacts that may be located in the future. It is noteworthy that planning permission has not been granted for the aforementioned possible archaeological dig.

There has been much discussion over ownership of the museum and the Old Courthouse Recreation Ground, however land ownership is not a material planning consideration. As such planning this report will focus on planning considerations only.

Principle of Development

Parks, Open Space and recreational facilities are planned for, managed and maintained by a variety of agencies operating in a complex legislative and policy context. The NPPF (Para 74) prohibits the loss of open space except in exceptional circumstances. Exceptional circumstances constitute one of the following circumstances:

- o An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- o 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
- o The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

It is noteworthy that policy CS7 (Core Strategy) DM15 (Development Management Plan)) echoes these requirements.

The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' provides qualitative and quantitative evidence of the Boroughs open space network and its intrinsic values. It provides a basis for improving the quality and potential uses of open spaces to cater for increasing demand arising from growth and the changing needs of the community. The document identifies the Old Court House Recreational as a good quality local park. The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' does not identify the area to contain a surplus of Open Space.

The proposal seeks permission for an extension to a community facility use that is independent of the Open Space, thereby resulting in its loss without compensation. As the extension is not ancillary to the Open Space and the loss of open space is considered to harm the open character of the area (discussed below), the proposal is not considered to benefit from an exceptional circumstance, thereby rendering the proposal objectionable in principle.

In Addition, policy 7.18 of the London plan 2015, places particular emphasis on the importance of protecting open spaces networks. The London Plan recognizes the importance of local open spaces to local communities within built-up areas. The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' identifies Old Court House Recreational as an integral part of the Boroughs Open Space Network. As the proposal will result in a break in the Open Space network, a further in principle objection to the proposal is raised.

(NB:

i) It is noteworthy that the additional space required has not been justified. There is no guarantee the location of the battle will be identified or in fact that artefacts will be found and worthy of display. However the loss of open space is objectionable in principle and the possible benefits do not outweigh its loss.

ii) It is important to note that the NPPF does not differentiate between public and private open space. As such and irrespective of land ownership, the in principle objection stands)

Impact on the character and appearance on the Conservation Area, neighbouring listed buildings and general locality

The Council's approach to development as set out in Policy DM01 is to minimize the impact on the local environment and to ensure that occupiers of new developments as well as neighboring 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. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. DM03 requires new development proposals to meet the highest standards of accessible and inclusive design by demonstrating that they meet the required principles.

Notwithstanding the applicants attempt to mirror the extension at No 33, it important to note that the proposed extension is significantly larger and considerably more visible from the public realm than its neighboring counterpart.

The introduction of the proposed extension results in a cramped form of development that is clearly visible from the Old Court House Recreational Open Space. It is considered that the design of the extension is such that it would represent an incongruous and discordant addition to the property which is harmful to the character and appearance of the host building. The scale, overall form and detailing of the proposed extension all fail to take sufficient account of the character of the existing locally listed building. Due to the deciduous nature of the existing trees the visual impact of the proposal would be exacerbated in the winter months.

DM06 seeks to preserve the heritage of the borough and places significant weight on the setting of a listed buildings. Therefore the impact of a development which affects the setting of a heritage asset will require careful scrutiny. Old Court House Recreational Open Space provides an important break within the built-up area and an ideal setting for the numerous protected buildings. In so doing, it makes a significant contribution to the character and appearance of existing listed features and the wider Conservation Area. The loss of part of a public open space will fail to respect and or preserve the character of the Conservation Area or the setting of the listed buildings and is considered reason in itself to refuse the application.

It is noted that a Heritage Appraisal has been submitted with the application and that this report finds that the proposal would result in less than substantial harm to the listed

building, The Coroners Court House, its settings and the Old Court House Recreational, to the north-west of the site and the setting of this building.

However, it is considered that the scale, bulk and siting of the proposed second floor extension is such that it would have a substantial adverse impact on the setting of Cornwall House. The proposed extension would significantly increase the mass and bulk of the building directly adjacent the garden of Coroners Court House, the Old Court House Recreational and would create an overbearing and obtrusive relationship with this space. The form, scale, materials and architectural detailing of the building as extended would fail to be sympathetic with and adversely impact upon the setting of Cornwall House.

The design, height, bulk and mass of the proposed extension would fail to respect the existing scale of the host building and neighbouring listed building - The Coroners Court House. The proposal is therefore found to be unacceptable in terms of its impact on the character and appearance of the listed building and Conservation Area.

The proposal is found to conflict with development plan policy in terms of its impacts on the character and appearance of the existing property and wider area. It would also be contrary to development plan policies which seek to protect the setting of listed buildings. As there are no material considerations which outweigh the harm caused by the conflict with these development plan policies the application is found to be unacceptable in these respects.

Trees

The proposed extension will result in the loss of a number of trees and whilst the proposed loss of the Willow-leaved Pear and Japanese Maple may not be detrimental in themselves, the proposal will have damaging implications for the Yew tree (T1 of John Cromar Report). This tree is assessed as being 9 metres in height, a root protection area (RPA) of 198m² with a life expectancy in excess of 40 years and is described as "Good classic yew shape".

The proposed extension directly adjoins the RPA with excavation works encroaching into the RPA. The applicants report has not adequately considered the implications of excavation works, the above ground implications or the ongoing pressure for future treatment on the tree.

The Yew currently has a well formed dome-shaped canopy that is currently circa 2.5m above ground level - the lowest branches are slightly lower than the top of the existing ground floor windows and are extremely close to the building faces. The Arboricultural Report (Para 5.05) states,

"The proposed extension is not continuously habited. The proposed basement will be fully artificially lit. In view of the above I conclude that shading by trees has been considered (as section 5.6.2.6 of BS 5837: 2012 recommends) and appears not significant." The Arboricultural Report does not appear to be informed by the mainly glazed faces of the proposed dormers which are proposed to light the proposed first floor education centre, which will directly face the Yew. This fenestration appears to be the main source of light for this area.

Further, the existing large grassed area, which currently provides conducive growing conditions for the Yew, will be considerably reduced, bisected by proposed new pathways and hard surfacing as well as the footprint of the proposed extension and adjacent stairway. Although these hard-surfacing changes are almost wholly within the RPA, they have not been addressed in the Arb Report.

Overall, the proposed changes of surfacing will have several potential impacts:-

- (a) deterioration in Yew's growing conditions - with alterations to drainage patterns (run-off on hard surfacing will not percolate into the rootzone as currently with grassed area), changes to albedo / reflected / retained heat from different surfacing materials, and compaction of ground for hard surfacing;
- (b) root severance / compaction in creation of substrate for new hard surfacing (no-dig techniques will not marry with existing surface levels);
- (c) the proposed new small area immediately beneath the Yew will be in permanent shade - grass will almost certainly not grow so either dense shade tolerant ground cover would be planted which would compete with the restricted growing area or replaced by at best mulch layer; and
- (d) increased on-going compaction of root zone due to increased footfall.

It is considered that not only will there be excavation required within the RPA, but there will be pruning required both at time of construction to facilitate access for scaffolding / equipment / materials etc and on-going pressure for future treatment to:

- (i) increase light to the ground floor and first floor fenestration;
- (ii) facilitate access to the proposed new double doors; and
- (iii) minimise debris on the proposed new stairway and new pathways / hard surfaced areas.

Pruning would detrimentally affect the well-formed dome-shaped canopy of "Good classic yew shape".

The Yew is assessed as being of the highest category - it contributes significantly to the Public Open Space and is of importance both to the setting of the Listed Building as well as the character and appearance of the Conservation Area. The cumulative impacts are considered to be detrimental to both the health and appearance of the Yew and is considered to be reason itself to warrant a reason for refusal,

"The proposal detrimentally affect the health and appearance of, and would result in pressure for future treatment to, a tree of special amenity value contrary to policies DM01; DM06; CS NPPF; CS5; CS7"

Amenity

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.

The proposal is not considered to harm neighbouring amenity to a point of detriment and brings forward an acceptable standard of accommodation for future users.

Highways

Owing to the modest size of the proposal and the high accessibility level of the site, the impact on highway and pedestrian safety is not affected to a point of detriment or warrant a reason for refusal.

Other

An appraisal of the proposal using the Greater London Historic Environment Record and information submitted indicates that the development would not cause sufficient harm to justify refusal of planning permission, in itself, provided that a condition securing a programme of archaeological investigation is secured by condition, should Members be minded to approve the application.

The removal and replacement of the Western Boundary wall will require a listed building application. For the avoidance of doubt, such an application has not been received by the Local Authority.

5.4 Response to Public Consultation

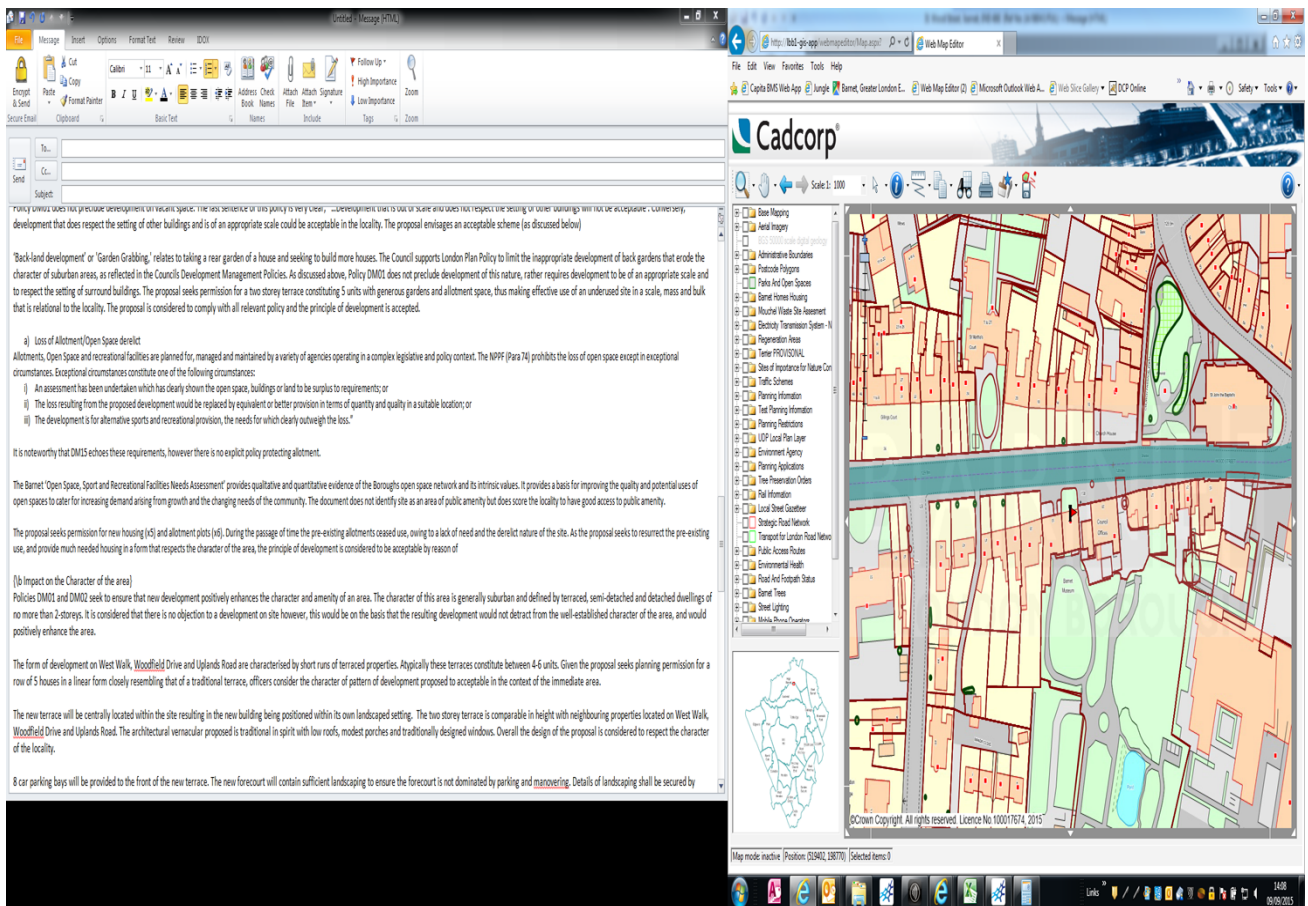
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6. Equality and Diversity Issues

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

For reasons set out above the proposal is recommended for REFUSAL.



Location	Land West Of Edwarebury Farm Edwarebury Lane Edware HA8 8QX		AGENDA ITEM 9
Reference:	15/00286/FUL	Received: 19th January 2015 Accepted: 19th January 2015	
Ward:	Edware	Expiry 11th May 2015	
Applicant:	Mr Tony Menai-Davis		
Proposal:	Creation of an 18-hole golf course with clubhouse, associated car parking, landscaping and access from the A41		

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. Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan - £15000
4. The applicant shall enter into an appropriate lease with the equestrian business to provide alternative land at an agreed location for use by the business until 2025;
5. Submission and approval of a landscape and ecological management plan covering a 25 year period, to be implemented in accordance with details approved under Condition 15;
6. Monitoring of the Agreement.

RECOMMENDATION II

That the application be referred to the Greater London Authority (under Article 5 of the Town and Country Planning (Mayor of London) Order 2008) and to the Secretary of State.

RECOMMENDATION III:

That upon completion of the agreement and no direction being received to refuse the application and no direction being received that the application is called in for the Secretary of State to determine, the Service Director of Development Management and Building Control approve planning application 15/00286/FUL under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 01-450-PA02, 02-450-PA01, PA03A, PA04A,

PA05, PA06, PA07, 120, 400 Rev A, 500, 501, 601, AL004, AL005A, AL010 Rev B, AL021, Access Drawing 11-T114 01A, 02A, 06,

Environmental Statement Volumes 1, 2 and 3, Outline Ecological Management Plan dated January 2015, Stage 1 Road Safety Audit dated May 2012, Transport Assessment dated May 2013, Transport Addendum dated February 2015, Energy Assessment Rev B dated July 2015, Icení Transport Note dated November 2015, Updated Arboricultural Implications Assessment Ref J46.26 dated 5 May 2015, Framework Construction Logistics Plan dated February 2015.

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) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

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

4 a) Notwithstanding the submitted details, no development shall take place until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

6 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species identified by the report submitted with the application, and any other species subsequently identified on site protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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 Statement shall provide for:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.3 and 5.18 of the London Plan (2015).

8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development hereby permitted shall not be first brought into use or 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 April 2013).

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

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

10 a) Notwithstanding the details submitted with this application, no site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree and hedgerow 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) and expanding on the principles of the submitted report 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 and hedgerow protection shown on the protection plan approved under this condition has been erected around existing trees and hedgerows 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 2011.

11 a) No development shall take place on the construction of the clubhouse hereby approved until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

12 a) The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) Environmental Statement Volume 1 Chapter 6: Flooding and Hydrology has been submitted to and approved in writing by the local planning authority. The drainage strategy

shall include a restriction in run-off to greenfield rates and surface water storage on site as outlined in the FRA.

b) The scheme shall subsequently be implemented in accordance with the approved details before the use of the development is commenced.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Policy CS13 of the Local Plan Core Strategy, Policy DM04 of the Development Management Policies DPD, and Policy 5.13 of the 2015 London Plan.

13 a) The development hereby permitted shall not be commenced until a scheme to dispose of foul drainage has been submitted to and approved in writing by the local planning authority.

b) The scheme shall be implemented in accordance with the details as approved by this condition prior to the development being first brought into use.

Reason: To ensure the development makes proper provision for the disposal of foul drainage, in accordance with Policy CS13 of the Local Plan Core Strategy, Policy DM04 of the Development Management Policies DPD, and Policy 5.13 of the 2015 London Plan.

14 No infiltration of surface water drainage into the ground is permitted other than with the prior express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent the development from increasing risk of water pollution, in accordance with Policy CS13 of the Local Plan Core Strategy, Policy DM04 of the Development Management Policies DPD.

15 a) No development shall take place until a landscape and ecological management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas of the site shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved. The scheme shall include the following elements:

- Detail extent and type of new planting in the 'natural' areas of the course (NB: planting should only be of locally appropriate, UK native species).
- Details of maintenance regimes;
- Details of any new habitats created on site;
- Details of treatment of site boundaries;
- Details of buffer zones adjacent to watercourses;
- Details of proposed new waterbodies;
- Details of management responsibilities;
- Details of locations and styles of any bird/bat boxes

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Policies CS9 and CS13 of the Local Plan Core Strategy, Policies DM01, DM15 and DM16 of the Development Management Policies DPD.

16 a) Prior to the development hereby permitted being first brought into use, details of the all-weather permissive path shown on drawing 02-450-PA03 Rev A including materials, levels, method of construction and route shall be submitted to and approved in writing by the Local Planning Authority.

b) The path shall thereafter be constructed in accordance with the details approved under this condition prior to the development hereby permitted first being brought into use, and maintained as such thereafter.

Reason: To preserve the openness and public accessibility of the site, in accordance with Policy 7.19 of the London Plan and Policies CS7 and DM15 of the Local Plan.

17 Before the development hereby permitted is first occupied or the use first commences the car parking and cycle parking spaces shown on Drawing No. AL004 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.13 of the London Plan 2015.

18 Prior to the first occupation of the development hereby approved, details (including manufacturers specification, light spillage diagrams, scaled plans and drawings detailing the size and direction, and proposed hours of use) of all external lighting to be installed on the building and in the car park hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the details approved under this condition and retained as such thereafter.

Reason: In order to protect the character and appearance of the site, and the amenities of the occupants of neighbouring properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

19 a) The non-residential development is required to meet the BREEAM 'Very Good' 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).

20 Prior to the commencement of any works on site, a detailed Ecological Management Plan and details of the provision of an Ecological Clerk of Works, along with a schedule of monitoring, shall be submitted to and approved in writing by the Local Planning Authority. These shall expand upon the outline principles set out in the submitted Outline Ecological Management Plan and provide for the protection of species on the site, and for protection of existing and proposed habitats. The techniques, measures and

monitoring shall be implemented in full during the course of construction and prior to the first occupation of the development hereby approved, and maintained as such thereafter.

Reason: In order to protect the habitats and biodiversity of the site, in accordance with Policy DM16 of the Development Management Policies DPD.

21 Prior to the commencement of any development on site, a proposed phasing plan shall be submitted setting out the proposed phasing of the development hereby permitted. The development shall thereafter be implemented in accordance with the phasing plan as approved.

Reason: To protect the character and appearance of the area, to maintain highway safety and to safeguard biodiversity of the site in accordance with Policies DM01, DM16 and DM17 of the Development Management Policies DPD.

22 Prior to the first use of the development hereby permitted, details of the renewable energy installations as proposed in the submitted energy statement shall be submitted to and approved in writing by the Local Planning Authority. These should thereafter be installed in accordance with the approved details prior to the first use of the development hereby approved and maintained as such thereafter.

Reason: To ensure the proposed development meets the London Plan targets for Carbon Dioxide reductions in accordance with Policy DM04 of the Development Management Policies DPD.

23 The club house building hereby approved shall be used only for purposes ancillary to the use of the site as a golf course. It shall not be used by external organisations as a function venue.

Reason: To safeguard the amenity of the Green Belt and in the interest of highway safety, in accordance with Policies DM15 and DM17 of the Development Management Policies DPD.

24 The use hereby permitted shall not be open to members of the public before 07:00 or after midnight between Saturday or Thursday and on Bank and Public Holidays, or before 07:00 or after 01:00 on Fridays and Saturdays.

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

25 a) Prior to the first occupation of the development hereby approved, details of a footpath with access rights to users of the equestrian facility as a bridleway to be constructed around the perimeter of the site in the location shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority., and in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

b) The footpath shall thereafter be constructed in accordance with the details as approved, with access made available in accordance with the details as approved under this condition, and permanently maintained as such thereafter.

Reason: In order to improve access to the Green Belt and to ensure the equestrian business retains access to land, in accordance with Policies DM01 and DM15 of the

Development Management Policies DPD and policies 2.18 and 3.19 of the London Plan 2015.

RECOMMENDATION IV:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1 December 2015, unless otherwise agreed in writing with the Service Director of Development Management and Building Control, the Service Director of Development Management and Building Control **REFUSE** the application under delegated powers for the following reasons:

- 1) The proposed development does not include a formal undertaking to secure the delivery of sustainable transport objectives and the associated costs and monitoring. 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).
- 2) The proposed development does not include a formal undertaking to secure the provision of alternative land for use by the equestrian business and as a result would result in a detrimental impact on rural business and enterprise. The proposal would therefore not address the impacts of the development, contrary to Paragraph 28 of the NPPF, Policy 3.19 of the London Plan 2015, Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
- 3) The proposed development does not include a formal undertaking to secure the submission, approval and implementation of a long-term landscaping and ecological management plan, and therefore would not preserve the landscape character or ecological value of the site. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), DM01 and DM16 of the Development Management Policies DPD (September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 4 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in

accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

- 5 The applicant is advised that Transport for London has recommended that during the construction works, no construction vehicles shall stop/ park/ load/ unload on the Strategic Road Network or Transport for London Road Network to ensure there is no detrimental impact on the free flow of traffic.
- 6 The applicant is advised that this development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. The Environment Agency should be consulted prior to the submission of an Environmental Permit application as the proposed development and use of waste may be regarded as a disposal activity. The applicant should satisfy themselves that if waste cannot be used the development is still viable using non-waste materials (e.g. more extensive cut and fill on site). This may require a modification to this planning permission to reduce the final restoration contours to a lower level than has been identified. Where we conclude that this is a disposal activity (rather than recovery), the applicant would require an Environmental Permit for landfill before the importation of waste could proceed. This would need to comply with the Waste Core Strategy, the North London Waste Plan and meet the requirements of the Landfill Directive. No importation or deposit of waste may occur as part of this development until an Environmental Permit has been issued. Failure to meet this requirement would be a contravention of section 33 of the Environmental Protection Act (1990). We strongly advise that the applicant contact Rob Devonshire on 01707 632463 to discuss the above issues in more detail.
- 7 The applicant is advised that the septic tank proposed for this development will require a permit under the Environmental Permitting Regulations (2010) from the Environment Agency, unless an exemption applies. The applicant should contact Ijaz Sawar on 01707 632739 to discuss the issues likely to be raised.
- 8 The applicant is advised that the abstractions proposed for this development are likely to require an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights. The applicant should contact Alastair Wilson at the Environment Agency on 01707 632729 to discuss this matter further.
- 9 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
- 10 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921.

The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

- 11 The applicant is advised that the Ecological Management Plan and mitigation strategies should be produced in collaboration or consultation with the RSPB and any other related bodies.
- 12 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £49805 payment under Mayoral 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.

Relief or Exemption from CIL:

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

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

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

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

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

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

- 13 The applicant is advised that, in respect of Condition 7, the details of routing of construction vehicles should ensure such vehicles would not use any residential roads, or Edwarebury Lane, to access the site.
- 14 The applicant is advised that, in respect of the formation of the new access, a S278 agreement must be entered into with Transport for London.
- 15 The applicant is reminded that as the owner of the land with a Public Right of Way (PROW), that the PROW must be kept clear of all obstructions and maintained open for public access.
- 16 The applicant is reminded that trees and hedgerows at and adjacent to this site are protected, and are included within a Tree Preservation Order. This grant of planning permission confers no rights for any treatment (including any cutting of roots or branches) of the trees or hedges or any other work to be undertaken to trees included within a Tree Preservation Order at or adjacent to the site, with the exception of the three trees identified on Drawing 02-450-100 Rev H for removal. If any treatment is proposed, an application would be required in accordance with the Tree Preservation Legislation.

Officer's Assessment

1. Site Description

The application site is located to the north of Edgware and to the west of Mill Hill. The site bordered by the M1 to the north, the A41 to the south-west and Edgwarebury Lane to the east.

The site is comprised of mixed arable and grazing agricultural land with small areas of woodland. There are no buildings on the site itself. However to the east of the application site is Bury Farm, in use primarily as an equestrian business with riding school and livery stables.

The application site is within the Green Belt, and contains trees covered by tree preservation orders. A public right of way (footpath) crosses the site from the A41 to Edgwarebury Lane.

Part of the land beyond the southern boundary of the site is designated as the Edgware Way Rough Site of Metropolitan Importance for Nature Conservation. Beyond the south east boundary of the site is the Edgwarebury Park site of Local Importance for Nature Conservation. The Edgwarebury Brook Site of Borough Importance for Nature Conservation is adjacent to the eastern boundary of the site.

The site is also identified as an area of special archaeological significance.

2. Site History

H/04377/13: Creation of an 18-hole golf course with ancillary clubhouse. Associated car parking and landscaping. Withdrawn.

3. Proposal

This application proposes the creation of an 18 hole golf course with driving range, with a clubhouse, maintenance building, car park, associated landscaping, and a new vehicular access from the A41.

The proposed clubhouse would be a single storey building. It would be approximately 4.5 metres high, 64 metres in width and 34 metres in depth. It is proposed to be constructed of light coloured rendered blockwork with teak cladding to the curved flank walls and stone insets. The rear elevation (facing west) would be primarily glazed. The building would have two flat green roofs at different heights. An area for PV panels and plant equipment is reserved on the roof. It would be of a contemporary appearance, and would contain a reception area, kitchen, bar/restaurant, lounge, pro-shop, and ladies and gents changing and toilet facilities. It would be positioned toward the centre of the site, in one of the lowest parts of the site and approximately 160 metres from the A41. A car park would be provided to the north of the proposed clubhouse, containing 96 standard parking spaces, along with 7 disabled parking bays and 4 cycle spaces.

The proposed maintenance building would be located to the south of the proposed access point, 20 metres away from the A41 at its closest point. It would measure approximately 15 metres by 11 metres and would have a pitched roof approximately 4 metres high. It would be constructed of profiled metal.

The new vehicular access to the site would be from the A41, approximately 180 metres north of the southern site boundary and approximately 570 metres north of the Spur Road

roundabout. The formation of the new access would include works to the A41 to narrow the existing lanes and provide a central lane for right-hand turns into the site.

The course itself would be formed of two loops of nine holes, routed to allow the retention of existing trees. The formation of the course would require earthworks to be undertaken. Most levels changes would take place around proposed teeing grounds and the greens. The changes in levels would not exceed +/- 0.75m. More extensive earthworks would be required to form a screen from the M1, to partially screen the electricity pylons, and to improve drainage and introduce features including water bodies. The re-shaping would require inert material (typically soil and stones) to be imported. This is estimated by the agent to be in the region of 245,000 cubic metres. The construction of the course would be phased over 4-6 years. The applicant advises that the majority of construction activities would be seasonal, avoiding the winter months with construction movements generally between 50 and 80 vehicles per day up to a maximum of 120 vehicles per day. Vehicular movements would be 08:00-17:00 Monday to Friday and 08:00-12:00 Saturdays. The maximum number of movements on a Saturday would be 50.

The proposal would include a new permissive path running around the perimeter of the site. The agent has advised this would be an all-weather bridleway. The existing footpath would also be reinstated, running north to south close to the eastern boundary of the site.

The application is accompanied by the following supporting documents (content summarised)

Planning Statement (January 2015)

- The total area of the site extends to just under 70ha and is comprised of mixed agricultural land with small areas of woodland.
- This application has been submitted following the withdrawal of a previous planning application in January 2014, which was withdrawn following requests for further information by the GLA. Since the withdrawal, further consultations have been undertaken with the equestrian business and farmer who both currently have a tenancy agreement with the landowners, and with local representatives of the London Wildlife Trust and RSPB in respect of ecology.
- Golf is one of England's top 10 sports in terms of active participation. The English Golf Partnership aims to increase the number of golfers by 5% and active club member by 40,000 between 2004 and 2020.
- A report in 1988 argued that golf was significantly undersupplied. This, together with the economic boom of the late 80s, triggered a marked growth spurt of new golf courses in the 1990s. This has led to a view that available participants are spread too thinly and that certain sectors are under financial pressure. Whilst some facilities are under financial strain, it is evident that these difficulties have largely been driven by the construction of the wrong product, built in the wrong locations and to a low specification with poor drainage and facilities.
- The applicant considers that the current commercial context for golf development is positive in London and the South East for the right product in the right location. The demographics of the city and wider region indicate consistent population growth. There is also evidence that these areas have resisted the full effect of the economic downturn. These factors are likely to only increase golf demand across the region. Moreover, on the basis of the industry standard of one course per 25,000 residents, there is currently an undersupply of course in the north London and south Hertfordshire area - the current ratio within a 20 minute drive of the site is 1:29,200.
- The Shire London opened in 2007 at the onset of the recession but is successful, and the proposed club would be run on a similar operational structure.

- Only three trees would need to be removed for the construction of the whole project, however one of these is dead and two are poor quality specimens.
- The clubhouse would be located centrally, at one of the lowest points on the site and set down within the valley. The green roof, curved timber clad walls and stone clad half walls would help it assimilate into its surroundings. The car park would be to the north of the clubhouse and landscaped to make it more discreet than the clubhouse.
- The Greenkeeper's maintenance building would be of functional design and agricultural in appearance, finished in profiled metal. The building and its yard would be screened by mounding and woodland planting.
- Five water bodies would be constructed for flood balancing, water storage for irrigation and strategy purposes. A further underground storage facility would be built under the practice range.
- Earthworks would be limited across most of the golf course area. Localised level changes would be required around teeing grounds and the greens but in many cases would require no significant change to the topography, within $\pm 0.75\text{m}$. More extensive earthworks would be required along the northern part of the course as a screen from the M1 and its traffic, and also to improve drainage. In order to minimise the re-shaping of the site, some inert material (typically soils and stones) would need to be imported to supplement the existing excavated soil. This would be kept to a minimum and estimated to be in the region of 245,000 cubic metres.
- The large majority of the site would not require any tree planting. It is proposed to retain the overall parkland-like and open character of the site. Extensive woodland planting is proposed along the northern boundary of the site to assist, in combination with the mounding, to provide a screen from the traffic on the M1. Other smaller woodland areas or copses and new hedges, with hedgerow trees, would be planted as features and to strengthen some boundary edges.
- The site is currently mixed in arable and pasture use. The arable fields are relatively intensively farmed with standard applications of agricultural fertilisers and pesticides. The pasture areas are all maintained through grazing and occasional hay cutting. These are also occasionally fertilised and sprayed for weed growth but at a reduced intensity from arable land. Fertiliser and pesticide applications for golf course playing areas are at levels akin to areas of grazing pasture.
- Ecological enhancement measures include the significant increase in the range of habitat on the site, with an increase in the biodiversity of the land. The measures include five new water bodies and new scrub planting. Specific mitigation measures are also to be employed for two of the protected species on site. More detail is in the Ecological Report and Management Plan.
- The internal accommodation in the clubhouse is considered to be essential and the minimum necessary for economically viable and sustainable modern golf.
- The applicant has draft agreements in place with the equestrian business that alternative nearby and more convenient land be made available under a new lease until 2025. There would be a time lapse included between the business taking possession of the alternative land, and giving up all of their current land.
- The site is crossed by a public footpath, however the route is not walked by the public as there are no suitable points to cross intervening hedgerows and fences. Historically, the public have and currently walk the existing track between the A41 and Edgwarebury Lane. This is not part of the formal public footpath. The proposed layout retains the formal footpath line and would provide suitable access provision. In addition a new 3.25km all-weather permissive Bridleway would be provided around, but within the perimeter, of the site for access by walkers and riders. This would be used by the adjacent equestrian business and would be a significant enhancement in public access in this part of Edgware.
- It is envisaged that the course would be built in five phases over a period of 4-6 years.

- The land is classified as subgrade 3b agricultural land, and suffers a significant soil wetness which adversely affects seed germination and inhibits the development of a good root system. This restricts the flexibility of the land. Given the findings of the Agricultural Land Classification study and that only 93 acres are currently in agricultural production, the proposals will have a negligible impact on agricultural production in the region. The applicant has confirmed that the farmer farms a significant acreage elsewhere in Hertfordshire, and this land is separated from his other landholdings and is relatively inaccessible by modern large-scale farming machinery.
- Golf Courses are a feature of London's Green Belt. It has been consistently held that golf courses are a form of outdoor recreation and in policy terms are in principle not an inappropriate use in Green Belt. The applicants do not consider that very special circumstances need to exist for this proposal to be approved. However, if required it is considered that the very special circumstances are the strong economic case (new jobs), the social case (enhancement to public access to the Green Belt and recreational uses) and the environmental case (sustainable credentials of the clubhouse and long-term benefits for biodiversity).

Design and Access Statement

- Raises no comments of note which are not already raised in the Planning Statement.

Arboricultural Implications Assessment

- The proposal would require the removal of three Category U trees.
- The scheme intends on retaining all other trees to provide a mature and varied setting to the golf course

Ecology

- Ecological surveys have highlighted the presence of several protected species within the site.
- Badgers are present and a small sett was utilised during the late autumn/winter period of 2012.
- Three species of bat have been recorded at the site. Bat activity was found to be strongly correlated with structured/linear habitat features such as hedgerows, tree lines and woodland edges, with significantly less activity recorded within open fields. The greatest impacts will be from increased lighting, disturbance and displacement. A number of trees with high potential to support roosting bats were subject to emergence survey, no bats were seen to emerge from these trees.
- Breeding bird surveys have recorded a typical assemblage of farmland birds, most noteworthy a pair of breeding hobby in 2013. This species is a rare breeder within Greater London. Breeding lapwing were also noted.
- The majority of plant species recorded are common species associated with open farmed landscapes. No nationally rare or scarce plants were found.
- It was considered unlikely that the site supports dormouse, due to the poor quality of the habitat on site that lacks the species composition and vegetation structure needed.
- Two species of reptile were recorded on site - slow worm and grass snake.
- No species of newt were recorded on the site. Habitat Suitability Index assessments found the water bodies fall into the 'poor' category for suitability for great crested newts.
- 59 species of breeding bird were identified. 11 considered to have bred on the site are on the red or amber lists. The assemblage of species is typical of open farmland.
- Wintering bird surveys recorded 47 species.
- New habitats created on site will take time to mature. Activities associated with golf course management have the potential to impact habitats. With mitigation, impacts to habitats are considered to be not significant.

Response to Ecology Comments raised by LBB's Ecology Advisor - January 2015

- The current location of breeding lapwing on site will no longer be viable as this area falls close to the clubhouse and will become part of the rough grassland areas of the course. The large waterbody proposed to be created between fairway 14 and fairway 2 will include a low profile gravel island, designed to provide a suitable alternative breeding location for lapwing. The total area covered by the additional habitat is 1.6ha. Whilst this equates to a small reduction in suitable breeding habitat, there are four other waterbodies on site as suitable feeding habitat for the species.
- Hedgerows C and D will have no severance. Therefore there will be no potential impact on dormouse in these areas.
- The trees to be felled were not found to support roosting bats. It is recommended that the felled wood is used to create a 'habitat pile' within the site.
- Lighting associated with the development will be exclusively associated with the clubhouse and car park. The road from the clubhouse to the A41 will not be lit. The proposed lights should have the characteristics that reduce their potential impact on bats. LED lighting should be used at a low lux level, and at a higher level of the light spectrum to reduce levels of blue light.

Outline Ecological Management Plan

- Management plan aims to protect and enhance ecology of the site.
- Species will be planted to encourage butterflies, to provide berries for migrant birds, and to provide habitat. Native species will be used for hedgerows and waterbody planting.
- Rough areas will provide habitat for wildlife.
- Construction of less-intensively landscaped water bodies will be based on guidance provided in the great crested newt handbook.
- Artificial Hobby nests will be erected within suitable trees within the adjacent Bury Farm site.
- The large waterbody between fairway 14 and 2 will include a low profile gravel island to provide a suitable alternative breeding location for lapwing.
- A new badger sett will be created.
- Lighting will be designed to minimise the impact on bats.

Flood Risk Assessment

- Two minor watercourses, one within the site boundary and one to the east, join to form the Edgwarebury Brook which passes beneath the A41 to the south of the development. This Brook forms one of the tributaries of the Silk Stream located further to the south east. Two storage areas constructed near to the site, Bury Farm and Edgwarebury Park, form two of six structures designed to alleviate downstream flooding associated with the Silk Stream.
- The site is within Flood Zone 1. No historic flood events have been identified or recorded on the Environment Agency Historic Flood Map within the site boundary. The North London Strategic Flood Risk Assessment advises as a result of local geology there is a low risk of ground water flooding within the Borough.
- The proposed development will incorporate Sustainable Drainage Systems.

Transport Assessment May 2013

- The A41 is a two way single carriageway road with lane widths of approximately 3.4 metres in either direction. The road is lit and subject to a 60mph speed limit, and forms part of TfL's Red Route London Clearway. To the north is the M1 where on and off slips connect to the A41.
- Personal injury accident (PIA) data has been obtained from TfL for the five year period from 31 October 2006 to 31 October 2011, providing details of all PIAs occurring with the whole of the A41 in front of the site from the junction with the M1 to the junction with the

A410. During this period, 7 accidents occurred - 6 slight and 1 fatal. The accidents were due to driver error and were not the result of vehicles entering or exiting accesses onto the A41. Furthermore, a dedicated footway/cycleway has recently been provided on the south side of the A41.

- It is proposed to narrow the north bound and south bound lanes to 3m on the A41 within close proximity to the proposed access. This is to provide for a right turn lane of 3.5 metres. The existing farm access will be closed.
- From TRICS analysis, the proposed golf course, in comparison to the existing traffic flow on the A41, will have a very low impact on the existing network.

OFFICER NOTE: A number of studies within the Transport Assessment were out of date at the time this application was submitted. An addendum dated February 2015 has been submitted, which updates the Automated Traffic Count (ATC) data, Stage 1 Safety Audit, and Personal Injury Accident (PIA) Data.

- New ATC data suggest a 2.6% increase in total two way annual average flows. The level of traffic is of a comparable number and the slight uplift would not be discernable from daily fluctuations. The trip generation remains consistent with the original Transport Assessment and therefore would still have a very low impact on the existing network.
- Updated PIA data has been obtained, from October 2009 to September 2014. A total of 44 accidents occurred. 42 were slight in severity, 1 serious and 1 fatal. Over the 5 year period there was an average of 8.8 accidents. Slight severity accidents equate to 95.5% of all accidents. The serious and fatal were the result of individual/vehicle errors and not the safety of the highway network.

OFFICER NOTE: The applicant has advised that the reason for the large discrepancy in PIA data (7 accidents between October 2006 and October 2011, compared to 44 between October 2009 and September 2014) results in part from the spatial area over which the data is taken. The 44 accidents between October 2009 and September 2014 includes accidents at and around the Spur Road roundabout, to the south of the site. This area is not counted as part of the earlier data.

Stage 1 Road Safety Audit May 2012

Stage 1 Road Safety Audit JB15/343 RSA1 February 2015

Framework Construction Management Plan

- It is proposed to use one access point onto the site, which will be in the form of a new priority junction. An internal haul road will be constructed, leading vehicles to the site compound. These areas will be designed to eliminate the need for vehicles to wait on the A41. Two way working will be employed at all times and no vehicles will be permitted to queue on the A41.
- Vehicles will turn left into the site.
- Subcontractors will be encouraged to use public transport or car share to travel to the site.
- Wheel washing and dust suppression will be used.

Lighting Design Concept

- Discussed in the appraisal below.

Landscape and Visual Impact Assessment

- The requirement for landscape mitigation is minimal. The only screen planting for views from outside the site into the site considered to be necessary would be to provide two lengths of new hedgerow with hedgerow trees to 'gap-up' the existing hedge and scrub vegetation along the site's southern boundary with the A41.

- The woodland planting would, in time, screen views across much of the site from the elevated overbridge of the M1.
- The visual impact of the proposals would be limited in extent and degree. The landscape has a moderate to high capacity to absorb golf development of an appropriate scale and design. The maintenance building would be of a typical agricultural appearance appropriate in a countryside location.
- The landscape impact of the clubhouse and carpark is considered to have been minimised.

Archaeology

- No nationally designated heritage assets are located in the site.
- The site is generally of low archaeological potential, although this increases to medium along its west edge.

Socio-Economic Impacts

- The development will provide for a new sports facility of exceptionally high quality and will create employment opportunities for construction and landscape firms as well as permanent jobs for staff.
- There will be indirect benefits including enabling economic prosperity as visitors to the area stay in local hotels and spend money in other hospitality businesses.

4. Consultation

4.1 Public Consultation

As part of the initial consultation process, letters were sent to 945 neighbouring properties. A site notice and press notice were also displayed. 141 responses have been received, up to March 2015, comprising 132 letters of objection, 5 letters of support and 3 letters of comment.

The objections received can be summarised as follows:

- Neighbouring golf courses are only half full and there is no demand for another course. There are 30 golf clubs within a 10 mile radius of the site and 19 within 5 miles.
- Existing golf courses are struggling to survive as the number of golfers are spread too thinly amongst existing clubs.
- Proposal would have an adverse effect on Edgwarebury Farm, which relies on the fields for its living.
- Proposal would result in a loss of farm land.
- Increase in vehicles would be dangerous and make existing traffic problems worse.
- Access point on the A41 will be dangerous and add to congestion.
- This land is used by all members of the community and with differing degrees of mobility for exercise, with mental and physical health benefits.
- Horses and wildlife are going to be destroyed by the presence of golfers and their cars.
- Site is ecologically important, home to dozens of bird species.
- Golf courses do not provide the right conditions for native wildlife.
- This land is already becoming a concrete jungle.
- The area is currently widely used as a free recreational facility.
- Barnet suffers from a lack of open space.
- The number of wild areas supporting wildlife are diminishing.
- Unacceptable for a lovely peaceful environment to be vandalised so that a few people can play golf.
- Edgwarebury Lane does not cope with the current traffic situation and will not cope with the additional traffic caused by a new golf course [Officer Note: The proposed golf course would take its access from the A41, not from Edgwarebury Lane].

- This application has nothing to do with creating another golf course - it is about making a fortune from landfill.
- Proposal would compromise flood defences.
- Ecological management plan ignores the key issue of disturbance by humans of the natural habitat.
- Ground nesting birds such as skylark and lapwing will be vulnerable to this development and its associated disturbance. The food relied upon by lapwing would be destroyed by treatments to the golf course.

The letters of support received can be summarised as follows:

- The land is under-utilised and often flooded. As a golf course it will enhance amenities in the area and put the land to better use.
- Traffic is not an issue as the access will be from the A41 where there are no houses and few pedestrians.
- Proposal will enhance the value of properties in the area and provide a much needed amenity.
- Golf course would enhance the skyline and landscape and be a major asset to Edgware.

A petition has been lodged on the council's website (petitions.barnet.gov.uk) as follows:

"We the undersigned petition Barnet Council to Reject planning application 15/00286/FUL for of an 18-hole golf course on Land West Of Edgwarebury Farm Edgwarebury Lane Edgware HA8 8QX". The petition has attracted 386 signatures.

Cllr Joan Scannell has objected to the proposal, in line with the objections from the North West London RSPB Group (see below)

Cllr Helena Hart has submitted the following objections:

- Inappropriate and unjustified decimation of a much loved and well-used area of local amenity.
- There is no call from local residents for another golf course.
- Approval would create a precedent for the destruction of the Green Belt.
- Loss of opportunity for physical exercise.

Cllr John Hart has submitted the following comments:

- Support the arguments advanced by the Mill Hill Preservation Society against the proposal.
- Whilst sporting facilities that do not mar the openness of the Green Belt are acceptable where there is a perceived need, there is none strictly speaking in this case. The over-provision of golf courses is well documented.
- The constantly mown and treated sward that is a feature of golf courses is inimical to wildlife. The land is neutralised with a loss of cover, loss of habitat, loss of natural appearance of farmland and roods in favour of a manicured landscape.

Andrew Dismore AM raised the following objections (summarised):

- This is a narrow and vulnerable part of the Green Belt, and the proposal would involve building on the Green Belt but also change the shape, contours and appearance of the land. Obstacles would be built through landfill to create a different landscape altogether.
- Well used public rights of way would be closed off and public informal recreational space for walking and horse riding would be lost.
- Proposed access is restricted and would be dangerous. Narrowing of lanes would lead to traffic congestion and danger.
- Wildlife habitat will be destroyed by the development.

- The land has been used for farming since before the Romans conquered Britain and is probably the oldest and largest surviving farm in London. The farm and stable business will be destroyed.

- The impact on water supply and drainage has not been considered. Recently constructed flood defences could be compromised, increasing the risk of flooding downstream.

- This would be the 22nd golf course within a five mile radius of Edgwarebury Lane. There is insufficient demand to support the existing courses.

The objection letter was accompanied by a petition containing 190 signatures, stating "I object to the scheme to build a golf course on Bury Farm land for the following reasons: 1) The area of proposed development is in the Green Belt. 2) Access to the site from A41 is restricted and dangerous. 3) Wildlife habitat will be destroyed by this development. 4) Loss of farm land and existing business. 5) Impact on utilities. 6) High density of existing golf courses and lack of demand. I call upon the Mayor of London and Barnet Council to refuse planning permission for this very damaging and unwanted scheme.

Matthew Offord MP raised the following objections (summarised):

- Golf course would dramatically alter the appearance of the land that has been open space for hundreds of years. Bury Farm is a medieval landscape and possibly one of the oldest continually existing farms in the greater London area. It is an ecological barrier between London and the neighbouring counties, and is the lungs of Edgware.

- Golf course would restrict public access and recreational use of the land for walking and horse riding

- Proposed access from the A41 is dangerous - turning vehicles will cause traffic to slow.

- The site is of significance for wildlife and harm would be caused by subjecting the farm and adjoining land to the manicured and heavy industrialised practices of golf course cultivation and management. Not convinced that the proposals in the Ecological Management Plan are robust to secure the sustainability of the area.

- There is no demonstrable demand for another golf course in an area which is already well served by golf courses. The additional club may threaten the viability of some existing clubs.

North West London RSPB Group Object.

- Bury Farm is of considerable ornithological importance and is an important community resource, enabling local residents and visitors to reconnect with nature. The site is species rich, and supports Swallow and House Sparrow colonies, as well as Hobby Falcons.

- The rural agricultural character will be lost and drastically transformed into an intensively managed private golf course.

- The enjoyment of the countryside will be lost if a private golf course is permitted.

- Any planning consideration must include strict planning conditions.

London Wildlife Trust - Barnet Borough Group

- RSPB members have been monitoring this site for over 20 years and have records of over 100 species of bird, of which 48 have bred. We would struggle to name many nature reserves with such an impressive species list. Whilst the individual habitats present are not rare, the combination of habitats in this location is exceptional.

- The proposed golf course offers great potential for new habitat creation, including new waterbodies with marginal planting, hedgerows and trees. However, construction and operation of the golf course also has the potential to disturb many of the species present and may result in the loss of species.

- The measures in the ecological management plan are welcomed and should be conditioned.

- The loss of a Badger sett should be avoided, however the reasoning is recognised and it is welcomed that an artificial sett will be provided in mitigation.

- New waterbodies are likely to make the site more attractive for bats, both roosting and feeding.
- Welcome proposals to monitor hobby falcons during construction.
- Welcome the creation of a new permissive route and maintenance. Care should be taken when planting to avoid enclosing large sections within woodland, as this would prevent the public enjoying the panoramic views.
- New trees and hedgerows should be native species.
- All construction should take place outside of the breeding season.
- Lapwing are ground nesting and the works will destroy their habitat. The phased implementation over a number of years may allow the lapwings to continue to breed on the site. The gravel island may also be attractive to Terns.
- Subject to the incorporation of conditions, the LWT Barnet Group support the approval of this application.

Broadfields Residents Association - Opposed to this application

- The subject land is designated as Green Belt and therefore should be considered by all parties as land on which development of any sort should not take place. The land will be altered, carved up, filled in, given surfaced access roads, built upon with a club house and ancillary buildings. This should not be permitted as Green Belt land is a precious commodity which maintains the defence against the attack of urban sprawl.
- Local people do not need a golf course here. A number of golf courses within a 20 minute drive of the site have low membership.
- Access from the A41 cannot be considered as anything else but dangerous.

Mill Hill Preservation Society - Wish to object to the proposals:

- The site is in an open area of farmland, in the Green Belt and close to an area of Borough Importance of Nature Conservation. It adjoins sites of Metropolitan and Local Importance for Nature Conservation, contains protected trees, is an Area of Special Archaeological Significance, an Area of Special Character and an area designated as Heritage Lane. It is within the Watling Chase Community Forest and contains a stream. The site has a high ecological value.
- The council has a duty to consider the merits of the application under the terms of the NPPF and to apply the appropriate tests to ensure the proposed use of the site meets the planning requirements.
- There is no doubt that the proposed use would cause harm to the Green Belt but no exceptional circumstances have been put forward by the applicant to justify the damage.
- There is no reference that searches have been undertaken to find alternative sites, nor any analysis why this site more than any other is appropriate for the use proposed.
- North West London has numerous golf courses within a few miles of Edgwarebury Farm, most of which are under subscribed and seeking new members. There is no demonstrable need for yet another golf course in this part of London.
- The site contains a working farm, whose viability would be jeopardised by the creation of a golf course. It provides employment for local people and food production. The associated riding facilities also provide access to the Green Belt.
- The proposal is ill considered, inappropriate for the location and does not meet the requirements of the NPPF.

Mill Hill Neighbourhood Forum -Object:

- There are no very special circumstances that should allow the application to get around the robust protection to the Green Belt.
- No demand exists for more golf clubs in this part of North London.
- This application will destroy wildlife habitats and the openness of the Green Belt.
- Volume of landfill proposed will ruin the landscape and present a flood risk.

- A site on the opposite side of the A41 was redesigned as pitch and put with much landfill and is now derelict and an eyesore.
- The Farm and farmland should be cherished and its output maximised for local sale.

Mill Hill Residents' Association - Opposed to this application

- The development is in the Green Belt, and a golf course with fairways, bunkers and landscaping will completely destroy the original farmland. Footpaths will be closed off and public informal recreation space for walking and horse riding will be lost.
- Proposal will increase traffic congestion.
- Proposal will result in a loss of an existing farm business and farm shop.
- This would be 22nd golf course in a five mile radius. There is no demand and this will threaten viability of existing golf clubs.

Campaign to Protect Rural England -Object:

- There are more than sufficient golf courses of the appropriate standard within the immediate area, all with ample vacancies.
- Application is at variance with London Plan Policy 2.18, namely the promotion etc of local food production.

In June 2015, an additional period of consultation was opened, as a result of the receipt of updated documents from the applicant. 27 letters of objection and 2 letters of support were received. It is noted that many were received from interested parties who had already provided comments. No new comments were raised that have not already been detailed above.

4.2 Other Consultation Responses

Environment Agency

The Environment Agency (EA) initially raised objections to the scheme. However, additional information was supplied by the applicant and in their letter dated 30 March 2015 the EA removed their objections, subject to conditions:

- The proposal will only meet the NPPF policy to ensure flood risk is not increased elsewhere if conditions are attached requiring a detailed surface water drainage scheme, foul drainage disposal scheme, and control of surface water drainage are attached.
- A landscape management plan should be secured by condition to ensure the protection of wildlife and supporting habitat, and to secure opportunities for the enhancement of the nature conservation value of the site.

Transport for London

Subject to a formal agreement to facilitate the works to the access, and subject to a condition to secure a construction logistics plan, no objections are raised.

LBB Traffic and Development

- Cycle parking: 4 cycle spaces will be provided in the form of 2 Sheffield Stands in accordance to the London Plan.
- Vehicular Access Arrangement: The vehicle access to the development is proposed via a single access point forming an all movement priority junction with A41 Edgware Way. The applicant has confirmed in the Transport Assessment that Transport for London (TfL) has been consulted for the proposed access point off the A41 Edgware Way it is part of the Transport for London Road Network. TfL had requested a Stage 1 Road Safety Audit which the applicant has carried out and the designer's response has been included in the TA.

- Pedestrian Access Arrangement: A Public footpath H28 crosses the site. The access to the public footpath must be maintained at all times. Any proposal to alter or amend the public footpath will require consultation and approval of the Council.
- Vehicular Access Arrangements and Stage 1 Safety Audit (RSA): The Transport Assessment submitted by EAS Transport Planning Ltd., on behalf of the applicant included a Stage 1 Road Safety Audit. Highway improvement works proposed public highway in the RSA would require submission of details to the Highway Authority for technical approval. The approved works will be undertaken under S278 of the Highways Act.
- In comparison to the existing traffic flow on A41, the predicted traffic flow for the proposed golf course, on the Watford By-pass / Edgware Way (A41) is likely to have a very low impact on the existing network. The A41 will continue to operate within its recognised capacity levels.

Greater London Authority - Initial Response

- The Mayor considers while the application is generally acceptable in strategic planning terms, the application does not yet comply with the London Plan. However, the requested information could lead to the application becoming compliant with the London Plan.
- The London Plan seeks to encourage and support thriving farming and land-based sectors in London, particularly in the Green Belt. GLA consider that the loss of poor quality agricultural land is not of strategic concern and that the applicant has suitable arrangements in place with the current tenants so that there would be very little detrimental effect to the businesses. The applicant states the proposal would generate between 26 and 28 full time jobs, with a further 10 part-time and seasonal jobs. The arrangements with current tenants indicate there would be very limited, if any, loss of jobs from the current tenant activities. The proposals meet the requirements of Policy 7.22.
- London Plan Policy 3.19 supports development proposals that increase or enhance the provision of sports and recreation facilities; however it also states they will need to be considered carefully in light of policies on the Green Belt. Since the grazing land will be re-provided elsewhere, there will be no loss of sport and recreation facilities, and almost the entirety of the site would become available for sport and recreation use as a golf course and bridleway. The proposal meets the requirements of Policy 3.19.
- London Plan Policy 7.16 states that the strongest protection should be given to London's Green Belt. According to the definition of exceptions to inappropriate development in the NPPF, the proposal would be of an appropriate type of facility. In terms of its size, the applicant has provided evidence that the uses of the clubhouse are essential and the minimum necessary for modern golf developments. They have demonstrated the facilities are similar to other golf courses in and around London. Neither the overall size of the building, nor the size of the catering space, is considered to be excessive. The submitted Landscape and Visual Impact Assessment, and photomontages, demonstrate the clubhouse will have a very limited impact on the openness of the Green Belt. The parkland-like character of the site would largely be retained, with existing trees retained. The character of the landscape will change with the creation of the golf course but GLA consider this will not have a detrimental impact on the openness of the Green Belt. More information is required relating to the proposed access road.
- A new all-weather permissive bridleway would be provided as part of the application, within the perimeter of the site. The existing public footpath would be retained and improved. The proposal would be an enhancement in public access to the Green Belt and would add to the existing public rights of way network.
- London Plan Policy 7.19 seeks to protect and enhance biodiversity. The existing landscape has been altered over many years, through farming, as well as construction work relating to the M1 and the Northern underground line. The applicant states that fertiliser and pesticide applications for golf course playing areas are at levels similar to areas of grazing pasture, although the greens and tee areas are at higher levels than this.

The applicant states none of the golf course playing surfaces would be treated with fertilisers at the intensity of arable land. The construction would be phased to take into account the management of protected species. Ecological enhancement measures have been detailed, including an increase in the range of habitats on the site with five new water bodies with wetland margins, new scrub planting and areas of long grassland and wildflower meadow. Mitigation to limit disturbance is also proposed. A large lake and breeding island have been included as a mitigation measure for lapwing as part of phase 1 works, with the existing lapwing habitat retained until phase 4. The proposals are likely to impact on biodiversity during construction, however the applicant will need to meet their legal obligations in respect of protected species. The other mitigation measures proposed are acceptable.

- Further information is required in respect of CO2 emission reductions.

Greater London Authority - Further Response

- The applicant has provided evidence of a reduction of 48% in CO2 which exceeds the target at Policy 5.2 of the London Plan.
- The applicant has provided sections to demonstrate how the access road would sit in the landscape.

Hertsmere Borough Council

No objections subject to no construction traffic permitted through Hertsmere Borough.

Sport England

Sport England does not wish to comment on this particular application.

Natural England

The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the LPA to determine whether this application is consistent with national or local policies on biodiversity and other bodies. Natural England's Standing Advice should be consulted.

Historic England

A programme of archaeological investigation should be secured by condition.

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 sets out that there are three dimensions to sustainable development: economic, social and environmental. These give rise to the need for the planning system to perform an economic role (contributing to building a strong, responsive and competitive economy), a social role (supporting strong, vibrant and healthy communities) and an environmental role (contributing to protecting and enhancing the natural, built and historic environment).

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 2015

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.

Policy 2.18 - Enhancements to London's green infrastructure should be sought from development.

Policy 3.19 - Development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields, should be resisted. Wherever possible, multi-use public facilities for sport and recreational activity should be encouraged. Where sports facility developments are proposed on existing open space, they will need to be considered carefully in light of policies on Green Belt.

Policy 5.2 - Development proposals should make the fullest contribution to minimising carbon dioxide emissions, by being lean (use less energy), clean (supply energy efficiently), and green (use renewable energy).

Policy 7.16 - The strongest protection should be given to London's Green Belt, in accordance with national guidelines. 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.

Policy 7.19 - Development proposals should make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy 7.22 - The Mayor will seek to encourage and support thriving farming and land-based sectors in London, particularly in the Green Belt.

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, CS11, CS13.
- Relevant Development Management Policies: DM01, DM04, DM06, DM15, DM16, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- 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:

- The principle of changing the use of the land;
- The principle of the proposed development in the Green Belt;
- The impact of the proposed development on the openness and visual amenities of the Green Belt;
- Impact on agricultural land supply;
- Impact on the amenities of neighbours;
- Impact on highway safety and parking;
- Impact on trees and landscaping;
- Impact on ecology and biodiversity;
- Impact of lighting;
- Impact on flooding and drainage;

5.3 Assessment of proposals

Principle of the development in the Green Belt

The NPPF states at Paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 81 states that LPAs should plan positively to enhance the beneficial use of the Green Belt, 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.

This application proposes the change of use of the land to a golf course, with associated alterations to topography and landscaping within the site, as well as the construction of a clubhouse, car park, access road and maintenance building.

The proposed use as a golf course is not considered to adversely affect the openness of the Green Belt in itself. The golf course use would not conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. Being a facility for outdoor sport and recreation, the proposed use is considered in principle as appropriate in the Green Belt.

In relation to new buildings, the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this are the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The proposed clubhouse would contain a reception area, kitchen, bar/restaurant, lounge, pro-shop, ladies and gents changing and toilet facilities, offices and other ancillary storage and plant areas. The applicant argues that these are all essential and the minimum necessary for economically viable and sustainable modern golf development. The applicant notes that the uses and scale of the clubhouse are similar to those at The Shire. Having regard to the fact that smaller facilities are unlikely to be viable, and that the proposed building would be an appropriate facility for outdoor sport, it is considered that the proposed clubhouse would comprise appropriate development in the Green Belt.

Impact of the development on the openness and visual amenities of the Green Belt and the character of the area

The proposed clubhouse would be single storey only, and set in the lowest part of the application site. It would be clad in timber, with stone on the lower halves of the walls to the side, whilst the rear would be glazed and the front rendered. It would have a green roof and be a low profile building. It would barely be visible from public vantage points, and is considered to have only a very limited impact on the openness of the Green Belt or the visual amenities of the Green Belt. Landscaping would assist in softening the visual impact of the proposed car park, which would also be discreetly located within the site.

The proposed maintenance building would have a functional agricultural design and appearance, and be well screened by existing soft landscaping, proposed woodland planting and mounding. It would have a limited ridge height and is also considered to be an appropriate facility which would not harm openness or the visual amenities of the Green Belt.

The application site would retain its open parkland-appearance, with the existing mature trees being retained and additional soft landscaping proposed. The character and appearance will change, with some areas being managed more intensively than others and with topography changing. However, the overall site will continue to appear open and it is not considered that the proposed use would be detrimental to the visual amenities of the area. The area is not subject to any specific landscape designations.

It has been noted previously that a public footpath crosses the site, although it is impassable because of inadequate points to cross hedgerows and fences. The proposal would reinstate the public footpath, opening up and improving access to the Green Belt. In addition, an all-weather permissive bridleway is proposed within the site's boundary, around its perimeter. This would be open to use by walkers and horse riders, and would benefit the adjacent equestrian business. This route would enhance public accessibility to the site and to the Green Belt. The NPPF states at Paragraph 75 that planning policies should protect and enhance public rights of way and access. The proposal would meet this requirement.

The Greater London Authority have raised no objections to the proposal in respect of its impact on the Green Belt, concluding that the proposed buildings are appropriate development, that the changes to the landscape will not have a detrimental impact on the openness of the Green Belt, and that the proposal would enhance public access to the Green Belt.

Of relevance to this matter is an appeal decision from August 2010, relating to Edwarebury Cemetery on Edwarebury Lane (on the opposite side of Edwarebury Lane to the current application site). That application proposed an extension to the size of the existing cemetery by changing the use of an agricultural field. The appeal was allowed. In discussing the character and appearance of that site, the Planning Inspector noted that 'the appeal site lies within the urban fringe, a transitional zone where the Hertfordshire Countryside merges with the edge of the London metropolis. The immediately surrounding area is not notably picturesque and traditional management and existing landscape features in the agricultural landscape are in decline'. The Inspector continues 'elements such as the M1 motorway and London Gateway service area, the busy Thameslink railway line, and prominent electricity pylons in close proximity, all have an effect on its perceived character. On that basis I agree...that in essence this is not a landscape that is intrinsically sensitive to further change'. It is acknowledged that the site subject of the current application is further from the London Gateway Services and railway line than the cemetery site. However the site is between the M1 and the A41, and contains prominent electricity pylons, and these urban features all affect the existing character and sensitivity

of the site. Given this prevailing character, it is not considered that the proposal would result in a change which is detrimental to the character or appearance of the site or visual amenities of the Green Belt.

A visual impact assessment has been undertaken, and accompanies the application. This concludes that the visual impact of the development would be limited in extent and degree. The only 'moderate' impact would be from the public right of way at the bridge over the M1 at Edgwarebury Lane. The impact from the other viewpoints selected, which include from Edgwarebury Park, Bury Farm, various points alongside the A41 and Edgwarebury House Farm to the north would be only slight or negligible. The proposed landscaping would act to further reduce the visual impact of the development over time.

It is noted that the site is also within the Watling Chase Community Forest. The aim of the Forest is to see the area under positive and appropriate management, including a substantial increase in trees and woodland. The current application includes the management of existing trees and the planting of new areas of woodland along the northern boundary.

Therefore, it is considered that this scheme comprises a use which is appropriate in the Green Belt. The proposed buildings would be appropriate facilities for outdoor sport and recreation and would therefore be appropriate development in the Green Belt. The alterations to landscaping and the buildings would not detract from the openness of the Green Belt or be detrimental to the visual amenities of the Green Belt. The proposed use and buildings would not conflict with the purposes of including land within the Green Belt, and would provide enhanced access to the Green Belt whilst retaining the current landscape, the visual amenity of the site and the site's biodiversity. Therefore no objections are raised in respect of the impact of the proposal on the Green Belt or the character and appearance of the area.

Loss of agricultural land

As noted by the GLA, the site currently includes mixed arable and grazing land. London Plan Policy 7.22 seeks to 'encourage and support thriving farming and land-based sectors in London, particularly in the Green Belt'. The applicant's Agricultural Land Classification Report states that the land suffers from a 'significant soil wetness limitation' due to the presence of clay, which limits the number of days it can be used for arable cultivation or grazing.

The applicant has advised that the landowner has draft agreements in place with both equestrian and agricultural tenants in the event of planning permission being granted and development commencing. This provides the equestrian business with more convenient alternative land nearby under a new lease until 2025 with a two year time lapse between the business taking possession of the new land and giving up all of the current land for construction. The applicant will also allow for the permissive bridleway to be constructed with an all-weather material specifically designed for riding. The arable tenant farms significant landholdings elsewhere in Hertfordshire on land separated from this landholding. The applicant also states that the site is relatively inaccessible by modern large scale farming machinery. The GLA consider that the loss of poor quality agricultural land is not of strategic concern and that the applicant has suitable arrangements in place with the current tenants so that there would be very little detrimental effect to the businesses. The arrangements noted above indicate there would be limited, if any, loss of jobs from the current tenant activities. As a result, it is considered that the proposal meets the requirements of London Plan Policy 7.22.

Impact on neighbours

The proposed clubhouse would not be located in close proximity to any residential properties. The site is a considerable distance from the nearest neighbouring residential properties. The proposed access road from the A41 would not pass any residential dwellings. As a result, this scheme is not considered to be detrimental to the amenities of the occupants of any neighbouring property.

Highway Safety and Parking

The proposal includes car parking for a total of 103 vehicles, including 7 disabled spaces. Parking is also provided for bicycles. The proposed vehicular and cycle parking is in accordance with the London Plan.

In respect of the new vehicular access from the A41, and the new access road, both Transport for London and the Greater London Authority have raised no objections to either of these, having regard to the submitted road safety audit and subject to further detailed design elements being approved prior to works commencing.

In terms of construction management, a draft construction logistics plan has been submitted. Whilst this discusses the principles of the construction activities, further detail is required by condition to be submitted and approved before any works commence.

Given the size of the proposed building and the number of employees, the scheme falls within the threshold for a travel plan to be provided. This will be secured by a legal agreement.

Trees and landscaping

This application proposes the retention of all but three trees within the application site. Of the three trees, one is dead and the other two are poor quality specimens. The remainder of the on-site trees would be retained, and details of the method of protection of the trees will be secured by condition to ensure the proposed alterations to topography do not have adverse impacts on the health of the retained trees. The proposed landscaping, including woodland planting, would be secured by condition.

Ecology and Biodiversity

As noted by the GLA (and summarised above), the existing landscape of the site has been altered over many years through farming, as well as construction work relating to the M1 motorway and the Northern underground line. The application contains details of the mitigation measures to limit disturbance to protected species on the site, during the 4-6 year build period.

The site is in close proximity to three Sites of Importance for Nature Conservation (SINC). The Outline Ecological Management Plan (OEMP) recommends 10m wide buffers between the site and the SINC, within which the use of fertiliser and pesticide is precluded. Subject to a condition requiring the provision of this buffer, and of suitable monitoring and review, it is considered that adequate protection would be afforded to the SINC.

The site contains a number of established hedgerows, and these generally provide an important resting/breeding place. The submission confirms that one defunct hedgerow would be removed. The retained hedgerows would all be protected during construction and this protection would be secured by condition. The planting of any new hedgerows, including species, would be secured by a landscaping condition. Protection of the hedgerows would minimise any adverse impact on dormouse.

Existing areas of semi-natural deciduous woodland are to be retained throughout, with additional planting proposed. This and the future management would be secured by condition.

Whilst there will be a change in how the site is managed, provided the use of pesticides and herbicides is managed, the impact on invertebrates is unlikely to be significant. Suitable mitigation, including surface water runoff 'cut off', ditches and buffer strips of at least 2 metres, would be secured by condition.

Habitat Suitability Index assessments were completed on the waterbodies within the site. Great Crested Newt were confirmed as likely to be absent due to the quality of the waterbodies. The application includes the formation of additional waterbodies and these could represent an enhancement to the available habitats. Similarly, surveys demonstrated a low population of grass snake and slow worm. However, subject to a suitable construction method statement and ecological clerk of works being secured by condition, the species would be adequately protected.

In respect of the impact on birds in general, it is considered that in the long term the development would provide an enhanced habitat mosaic, due to the increased woodland, scrub and semi-improved neutral grassland and additional water bodies. Hedgerow maintenance would add to this. Conditions will ensure habitats are managed to ensure no net loss of territories, and house sparrow terraces, swift nest boxes, house martin nests and swallow nests will be provided on site.

In specific relation to Hobby and Lapwing, it is acknowledged that in the absence of mitigation, the proposal may have a substantial impact. The primary mitigation measure proposed is the formation of a shallow sloping gravel island within one of the proposed waterbodies. Short planted rush pasture would be planted, which is designed to provide suitable breeding habitat for lapwing. Full design details would be secured by condition to be included within a full Ecological Management Plan. Further details will also be required regarding monitoring, and how disturbance to breeding lapwing would be prevented during the breeding season.

In respect of the impact on Hobby, whilst construction may impact, the construction process is only temporary in nature. A construction method statement will be secured by condition to be prepared to ensure surveys are undertaken to identify any nest sites, territorial displays or occupation of home ranges of Hobby. Suitable mitigation will then be implemented to ensure there is no adverse impact.

The site contains an active badger sett and it is likely that badgers would use the entire site. The application includes details of the location for a replacement sett to be provided, with the existing to be shut under a Natural England licence.

In respect of bats, the trees to be removed were identified as having negligible and low potential. No bats were recorded as emerging from the trees. Therefore, no concerns are raised in respect of the loss of the trees. In respect of the proposed lighting, the applicant has confirmed that all lighting associated with the development will be exclusively associated with the clubhouse and car park. The access road will not be lit. The submitted lighting design proposal indicates that low level bollard lighting will be used with downward light distribution. There is a likely bat commuting route toward the rear of the clubhouse, and the proposals show a scrub edge continuing from the existing retained tree line. The retention of a dark corridor to the rear of the clubhouse is essential and will be secured by

condition. The majority of other bat commuting features on site are to be retained and therefore no objections are raised in respect of the impact on bats.

The LPA and GLA are satisfied, subject to conditions, that the proposed development, along with the specified mitigation and phasing, would not be detrimental to protected species within the site.

Lighting

The applicant has confirmed that any lighting associated with the development would be exclusively to the clubhouse and car park. The lighting has been designed to have a minimal impact on bats, including the use of LED lighting with low lux levels and a high level of the light spectrum. Subject to conditions to ensure appropriate lighting is installed and maintained, no objections are raised in respect of the impact of lighting on the site's biodiversity.

Flooding and Drainage

The Environment Agency have confirmed that subject to the imposition of a condition requiring details of a surface water drainage scheme to be submitted to the LPA for approval before works start, the proposal will meet the NPPF policy to ensure flood risk is not increased elsewhere. The applicant has demonstrated that surface water can be dealt with on-site using rainwater harvesting tanks, then ponds, however more specific details are required be conditioned.

The Environment Agency have also requested that additional information be provided in respect of where effluent discharges from the proposed septic tank would be discharged.

Sustainability

The application has been accompanied by an Energy Statement. This sets out how the scheme would incorporate a ground source heat pump, and solar thermal panels and solar photovoltaic panels on the clubhouse roof. The use of these renewable technologies will enable the development to 'Be Green'. Energy efficiency methods will be incorporated into the fabric of the proposed clubhouse, enabling it to 'Be Lean' and improve its energy efficiency. These measures together will ensure the proposal meets London Plan targets to minimise carbon emissions.

Planning Obligations

A S106 planning obligation is required for this site, to secure the following:

- Landowner to provide equestrian business with alternative land, at an agreed location;
- The submission, approval and implementation of a landscape and ecological management plan;
- A Travel Plan to be submitted, with a contribution also provided for travel plan monitoring;

In addition, the floor area created by way of the proposed clubhouse would be liable for Mayoral CIL.

5.4 Response to Public Consultation

Many of the objections received relate to the lack of need or demand for another golf course facility in the area. It should be noted that although matters of 'need' and 'demand' can be a material planning consideration, in this case officers consider that the development is 'appropriate' development in the Green Belt. As such it is not necessary to consider 'very special circumstances' where an assessment of 'need' or 'demand' may be necessary. Taking into account all material planning considerations, officers consider that the proposal is in accordance with national, strategic and local planning policies.

All other comments raised are addressed in the appraisal above.

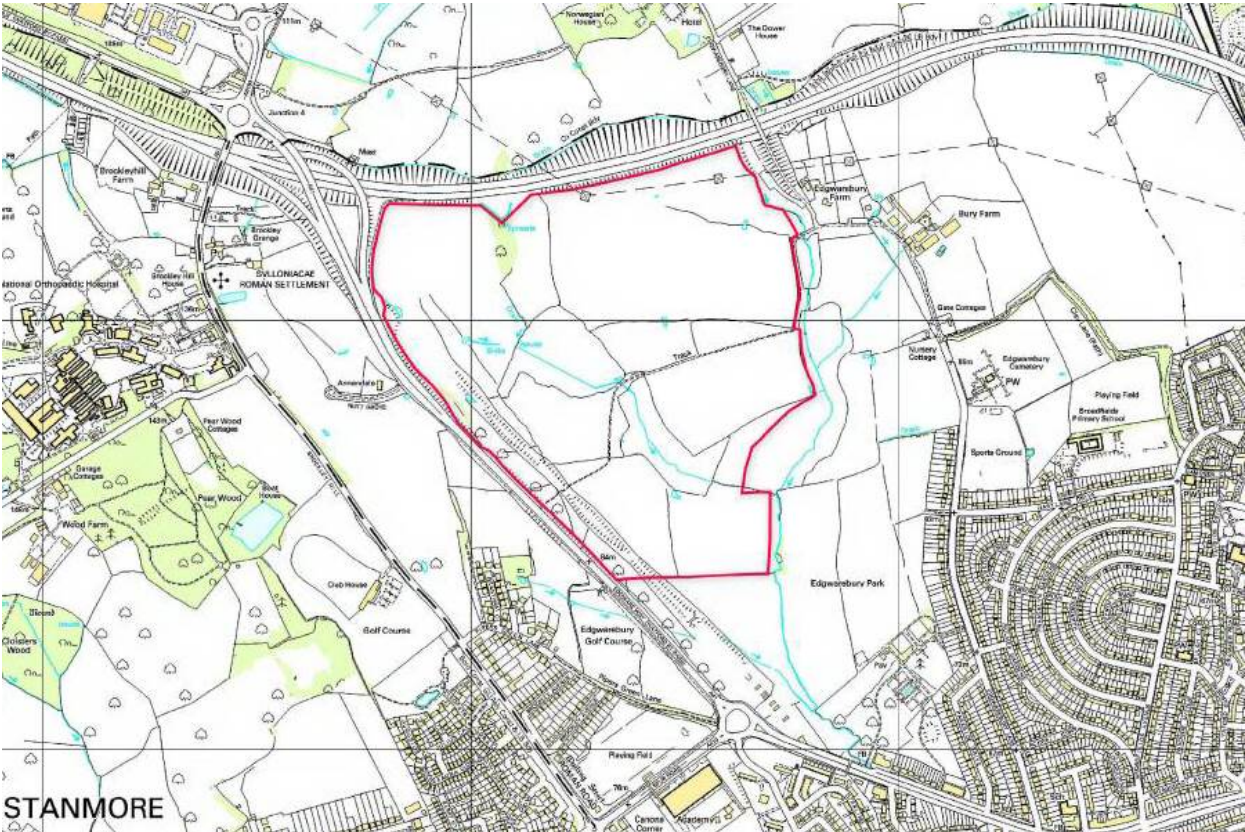
6. Equality and Diversity Issues


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. It is not considered that any particular group with specific protected characteristics (as defined by The Equalities Act 2010) would be prejudiced by this application, and improvements to the public footpath and provision of a new bridleway will improve access to the site.

7. Conclusion

The development subject of this planning application is considered to represent appropriate development in the Green Belt which would not conflict with the purpose of including land within the Green Belt, and would not harm the openness or visual amenities of the Green Belt. The proposal is not considered to be detrimental to the character and appearance of the area, or the amenities of any neighbouring properties. The proposal would not be harmful to highway safety, and subject to detailed construction and mitigation measures would not be harmful to protected species. As such, subject to conditions, a legal agreement, and a referral to the Greater London Authority the application is recommended for approval.

Site Location Plan



	<p style="text-align: right;">AGENDA ITEM 10</p> <p style="text-align: center;">Planning Committee</p> <p style="text-align: center;">26 November 2015</p>
	<p>The Alexandra 1 Church Lane London N2 8DX – 15/02918/FUL</p>
Report of	Head of Governance
Wards	East Finchley
Status	Public
Enclosures	<p>Appendix A – Revised Planning Officer report</p> <p>Appendix B – Report to Finchley and Golders Green Area Planning Committee</p> <p>Appendix C – Addendum to the Report to Finchley and Golders Green Area Planning Committee - The Alexandra 1 Church Lane London N2 8DX - (only)</p>
Officer Contact Details	<p>Salar Rida, Governance Officer</p> <p>salar.rida@barnet.gov.uk</p> <p>020 8359 7113</p>

Summary

Agenda Item 13 (The Alexandra 1 Church Lane London N2 8DX – reference 15/02918/FUL) of the Finchley and Golders Green Area Planning Committee on 15 October 2015 was referred up to Planning Committee by three Members in accordance with the Constitution. Planning Committee is therefore requested to consider the recommendations and take a decision on them.

Recommendations

1. That the Planning Committee consider and determine the application as set out in the attached amended report, noting the previously considered report by the Finchley and Golders Green Area Planning Committee on 15 October 2015.

WHY THIS REPORT IS NEEDED

- 1.1 The Constitution allows a certain number of members of a Committee or Sub-Committee to refer any decision of the Committee or Sub-Committee up to the next practicable meeting of the relevant Committee to which it reports, by indicating immediately after the decision is taken that they require the decision to be referred up. The report to the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons for the referral.
- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 15 October 2015. The Committee resolved to approve the planning application as per the officer's recommendation, subject to the amendments set out in the addendum but with amendment to condition 3:
 - The restaurant use with internal seating within the building hereby permitted shall not be open to members of the public before 8:30am or after 11.30pm Mondays to Thursdays, before 8.30am or after midnight on Fridays and Saturdays or before 9am or after 11pm on Sundays and Bank and Public Holidays.

1.3 REASON FOR REFFERAL

- 1.3.1 Immediately following the decision, three Members of the Committee supported a referral of the decision to the Planning Committee in accordance with the Council's Constitution, noting that there was a significant need to safeguard the amenities of occupiers of nearby residential properties.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the substantive report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As set out in the substantive report.

4. POST DECISION IMPLEMENTATION

- 4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2 As set out in the substantive report.

5.3 Legal and Constitutional References

- 5.3.1 Constitution, Responsibility for Functions- Paragraph 6- Members Rights to Refer Matters to Parent Body states that:

“A specified number of Members of a Committee or Sub-Committee may require that any decision of the Committee or Sub-Committee is referred up to the next practicable meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, by indicating immediately after the decision is taken that they require the decision to be referred up. The report to Full Council or the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons given for the referral.”

5.4 Risk Management

5.5 As set out in the substantive report.

5.6 Equalities and Diversity

5.7 As set out in the substantive report.

5.8 Consultation and Engagement

5.9 As set out in the substantive report.

6. BACKGROUND PAPERS

6.1 None

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APPENDIX A

Location	The Alexandra 1 Church Lane London N2 8DX	
Reference:	15/02918/FUL	Received: 12th May 2015 Accepted: 12th May 2015
Ward:	East Finchley	Expiry 7th July 2015
Applicant:	Mrs Ruta Lebiodaite	
Proposal:	Change of use from A4 (drinking establishment) to A3 (restaurants and cafes) combined with secondary sui generis use (shisha). Removal of existing canopy structures at rear and erection of new canopy structure with perspex roof. Single storey front/side extension	

Recommendation: Refuse

- 1 The resultant odour from the shisha use by reason of the siting, proximity and scale of this use results in demonstrable harm which is detrimental to the amenities of neighbouring occupiers particularly at Leopold Road and Church Lane. It therefore does not accord with Paragraph 123 of the NPPF (2012), Policy 3.2 of the London Plan (March 2015), and Policy DM04 of the Barnet Adopted Development Management Policies DPD (2012).

Informative(s):

- 1 The plans accompanying this application are: Site Location Plan; Drawing no./SI-000; Drawing no./SI-001; Drawing no./PL-010 Rev A; Drawing no./PL-011 Rev A; Drawing no./PL-012; Drawing no./PL-013; Drawing no./PL-014; Drawing no./SI-003; Drawing no./PL-000 Rev B; Drawing no./PL-001 Rev B; Drawing no./PL-002 Rev D; Drawing no./PL-003 Rev B; Drawing no./PL-004 Rev B; Noise Impact Report by KP Acoustics Ltd Ref 13454.NIA.01.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £4,865.00 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £18,765.00 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

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

Officer's Assessment

1. Site Description

The application site is a two storey end-of-terrace building located on the southern side of Church Lane, near the junction with High Road in the East Finchley Ward. The property is not listed nor does it lie within a conservation area. It is however locally listed. The properties on this section of the road are generally characterised by commercial units on the ground floor and residential accommodation on the floors above.

To the east, the site borders the Esso Petrol Station at the junction with High Road. Further to the north east, approximately 50 metres from the site lies Martin Primary School. To the north, lies a three storey block of flats known as Rew Lodge.

The documents submitted indicate that the use of the upper floor is currently offices and other facilities ancillary to the ground floor commercial unit. At the time of the site visit, there was no evidence of the first floor being used for independent residential accommodation.

2. Site History

Reference: 15/01019/FUL

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Withdrawn

Decision Date: 12 May 2015

Description: Change of use from A4 (drinking establishment) to A3 (restaurants and cafes), erection of 2 no. canopy structures to rear, rebuild of existing canopy in rear garden, demolition of outbuilding and rebuild with a new canopy in rear garden, erection of new roof to front patio area

Reference: 15/01020/ADV

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Withdrawn

Decision Date: 12 May 2015

Description: 1 no illuminated fascia sign to front, 3 no. illuminated signs to side.,

Reference: 15/02919/ADV

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approved subject to conditions

Decision Date: 15 October 2015

Description: Installation of 1no. externally illuminated fascia sign and 1no. externally illuminated wall mounted sign (Retrospective Application)

Reference: C06650B/07

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 22 February 2008

Description: First floor rear extension to existing flat.

Reference: C06650A

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 29 September 1998
Description: Single storey side extension.

Reference: C06650

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 20 March 1979

Description: Single storey rear extension

3. Proposal

The applicant seeks planning permission for the change of use from A4 (drinking establishment) to A3 (restaurants and cafes) combined with secondary sui generis use (shisha). In addition, the removal of existing canopy structures at rear and erection of new canopy structure with perspex roof, and a single storey front/side extension.

At the front, the extension has a depth of 4.9m to infill up to the existing front façade and side elevation. The extension at the front is proposed to be changed from the pitched roof (which does not benefit from consent) to a flat roof with a height of 3.3m.

The alterations and extensions have been carried out. The structure would not be visible from the side elevation (petrol garage) or from the streetscene. The canopy including alterations, as proposed would be set 1 metre away from the main building and from the boundary with the petrol station, to comply with Environmental Health smoking shelter legislation and have a maximum height of 2.5 metres.

4. Public Consultation

Consultation letters were sent to 74 neighbouring properties.

37 responses have been received, comprising 30 letters of objection and 7 letters of support.

Councillors will be aware that the application was referred by the Finchley and Golders Green Planning Sub-Committee on the 15th October 2015 to the Planning Committee. The correspondence below summarises both the responses received initially, since the referral and following the submission of the noise report.

Objections

The objections received can be summarised as follows:

- Parking and highways issues
- Out of character
- Entirely inappropriate given its location located opposite a school/ petrol station
- Smoke/ smell to residential properties
- Excessive noise & disturbance in late hours of the night
- Object to the signs
- Principle of smoking is unacceptable
- Anti-social behaviour
- Too many restaurants already
- Encroach onto privacy of neighbours/ overlooking
- Signs (part of separate application)
- Light disturbance
- Visual impact
- Eyesore
- Increased activity

- Original pub was quiet
- Eating/ Drinking establishment ok but it is a residential area and shisha causes noise
- No allocated parking and users parking on yellow lines, kerbsides and driveways.
- Concern about access for emergency services.
- Smoke and smell causing great nuisance.
- Shisha smoking close to bedrooms
- Health concerns regarding second hand smoke
- Each shisha pipe equivalent to 200 cigarettes
- The adjacent site, previously a petrol filling station, is currently vacant; shisha would have an adverse impact on the long term future planning of this site for alternative uses, such as housing
- The noise report is inaccurate and does not reflect the true impact on the nearest residents
- Noise report makes assumptions that all noise will be at normal speech level and considers it as a typical use (rather than mixed use to include shisha).
- The noise report does not consider the removal of the tree plants to comply with smoking laws- this will alter the calculations
- Measurements for report taken in winter; use will be different in summer with more people.
- Light pollution due to design impacting neighbour's properties
- Smoking previously at the front (not rear)
- No historic planning permission or shelter at the rear and no licencing at the rear.

Mike Freer MP has objected on the following grounds:

- Detrimental impact on visual amenity
- Noise & disturbance to local residents.

In addition, Councillor Arjun Mittra requested that the application be referred to the Planning Area Sub Committee. The grounds for objection specified were 'detrimental impact on neighbours and overdevelopment'.

One of the objectors has withdrawn his objection and provided the following comments:

- Addressed concerns regarding shisha signs which have been removed.
- Attractive and positive addition to neighbourhood (better than previous establishment)

Support

The letters of support received can be summarised as follows:

- No comparison to previous use (great improvement)
- Restaurant is not noisy- only noise from A1000
- Dispute the opening hours imposed by Council in recommendation compared to pub hours
- Restaurant without alcohol licence (less susceptible to anti-social behaviour)
- Welcome addition to the area
- Attractive culinary alternative for professionals and enhancement to the neighbourhood
- Previous use was a massive disturbance to neighbours
- Concern about hours of opening restrictions. Consider hours to be unfair.
- Mature clientele & interior has been divided well
- Do not want the closure of yet another facility

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 2015

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.

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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, DM04, DM12, 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- 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 existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on character

Policy DM11 advises that the Council will protect all retail uses in the existing local centres, parades and isolated shops. The pre-ample to this policy also states that 'preventing an over concentration of similar non Class A1 uses is important to maintaining the vitality and viability of the local centre or parade'.

The proposed change of use from A4 to A3 would still maintain a retail element and is not considered to compromise the vitality and viability of this section of Church Lane. In addition, this section of Church Lane is not considered as a town centre due to the small number of shops, as defined by chapter 13 of the Development Management Policies DPD. Whilst it is acknowledged that there are other restaurants in the East Finchley town centre, the proposed change of use is not considered to unbalance the character of the area, competition between units is not a material consideration and the Town Centre does not form part of the immediate vicinity.

Consideration has been given to the existing use of the ground floor unit as a public house. It is not considered that the change of use to a restaurant would result in a heightened level of activity to that previously experienced. With regards to the principle or morality of the location of a unit comprising of shisha use, this is not considered to be a material consideration in the determination of a planning application. Furthermore, the applicant has indicated that the shisha use will be ancillary to the A3 use.

The height of the proposed structure at the front is considered to be subordinate and would not detract from the character of the locally listed building, particularly when considering the previous structure serving the public house. It must be noted that the structure currently on site has been erected without consent and the Council does not support the hipped roof, however the proposed flat roof of the front extension, which would be no higher than the adjoining ridge height is considered to be acceptable.

At the rear, although the canopy, as proposed, would cover the majority of the rear garden, it is not considered that this would be out of character given the similar extensions on Church Lane and as such this reason alone does not warrant refusal. It must be noted, that the structure as built is larger than that proposed. A condition has been added to ensure that the proposed changes to the physical structures as presented as proposed are implemented within three months from approval.

In conclusion, the proposal is not considered to be detrimental to the character and appearance of the host property and of the general vicinity.

Impact on neighbouring occupiers

The plans indicate that the existing use of the first floor was ancillary to the ground floor use, and this will remain for the proposed use. During the site visit, it was not evident that the upper floor was being used as an individual unit.

The use as an A4 unit with ancillary sui generis accommodation (for shisha) is not considered to differ with regards to the level of user activity. Councillors will be aware that since the last committee meeting, a noise report has been submitted to the Council's Environmental Health Scientific Services who have reviewed the comments and consider that the report is insufficient with the following concerns raised:

- The potential for noise nuisance has been inadequately addressed by the report and the follow up comments, and the report relies on favourable assumptions.
- The report does not consider the nearest residential occupiers on Church Lane
- The assessment does not consider impulsive maximum noise levels such as raised speech, laughing or shouting. The site includes 4 television screens and associated speakers on each corner of the site; the noise can easily breakout from the eastern side of the structure.
- Consider that the rear additional would be a shisha bar/lounge and therefore different in nature to a 'normal restaurant'
- Unclear how many customers will be present at any one time.
- Report could have used a lower background level.

It must be noted that there is a large access road separating the properties on Leopold Road to the south from the host site. On balance, given the previous use as a public house, planning officers consider that the comments raised by Environmental Health Scientific Services with regards to noise could be addressed with more restrictive conditions including restrictions on the opening hours (more restrictive at the rear), limiting the hours of use of the shisha use, requiring details of noise mitigation measures and requiring the submission of an accurate noise report.

Due to the canopy at the rear being located on the ground floor only, it is not considered that this would give rise to overlooking into the private gardens of neighbouring occupiers.

With regards to the proposed shisha element, the applicant has confirmed that this would be solely located at the rear of the site and ancillary to the restaurant use. The Council's Health and Safety team (part of Environmental Health) have commented on the proposals and the proposed structure at the rear, and subject to the removal of the plastic drip sheet and high level palm trees, the canopy at the rear would comply with smoking legislation.

Notwithstanding this, the Council's Scientific Team (part of Environmental Health) carried out an investigation since the submission of the noise report and witnessed a statutory odour nuisance, under the Environmental Protection Act 1990, with the smell noticeable from properties on Leopold Road and at the front entrance of Martin Primary School. As smoke free legislation makes it a requirement for smoking structures to be 50% open to air which is on the eastern side, it has resulted in smoke drift. EH Officers have specified that the activity at the shisha bar has resulted in a material change in the behaviour of some nearby residents and consider the odour to be a nuisance under the Environmental Protection Act 1990.

Whilst consideration has been given to smoking in the former pub, the volume of smoke emitted from a shisha pipe and person smoking is significantly greater than smoking cigarettes. Therefore, the potential with 43 persons smoking shisha will significantly increase the amount of smoke/odour produced from the previous use as an open beer garden which was usually closed late in the evening and at night.

In light of this assessment, officers consider that the resultant odour from the shisha use causes substantial impact on the amenities of neighbouring occupiers. Whilst a ventilator / extraction system has been proposed as a solution by the agent, EH officers would be concerned about the plant diverting the problem to another location. It is therefore not considered that the concern regarding the amenities of occupiers could be addressed by a condition.

The Council's Highways team were consulted as part of the previous application which was withdrawn by the applicant. The Highways officer considered that the proposal, given the original A4 use, "is not expected to have a detrimental impact on the public highways and I have no objection on highways grounds"

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in the report above.

With regards to the suitability of the shisha establishment in this location (within close proximity of the school and petrol station), weight needs to be given to the fact that the premises were formerly a public house and there is no physical manifestation of the shisha bar use externally. The area has no particular use class designation and as mentioned above the development is considered to be in accordance with planning legislation in terms of its impact on the character; however it would have an impact on the amenity of neighbouring occupiers by virtue of the residue odour from the shisha element.

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, whilst the proposal is not considered to be detrimental to the character and appearance of the surrounding area, the shisha use results in a significant adverse effect to the amenities of neighbouring occupiers due to the result odour. The proposal is therefore deemed unacceptable and as such the application is recommended for REFUSAL.

Location	The Alexandra 1 Church Lane London N2 8DX	
Reference:	15/02918/FUL	Received: 12th May 2015 Accepted: 12th May 2015
Ward:	East Finchley	Expiry 7th July 2015
Applicant:	Mrs Ruta Lebiodaite	
Proposal:	Change of use from A4 (drinking establishment) to A3 (restaurants and cafes) combined with secondary sui generis use (shisha). Removal of existing canopy structures at rear and erection of new canopy structure with perspex roof. Single storey front/side extension	

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing no./SI-000; Drawing no./SI-001; Drawing no./PL-010 Rev A; Drawing no./PL-011 Rev A; Drawing no./PL-012; Drawing no./PL-013; Drawing no./PL-014; Drawing no./SI-003; Drawing no./PL-000 Rev B; Drawing no./PL-001 Rev B; Drawing no./PL-002 Rev D; ; Drawing no./PL-003 Rev B; ; Drawing no./PL-004 Rev B.

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 The front extension and canopy at the rear shall be demolished and all materials resulting from the demolition shall be removed within three months of the date of failure to meet requirement (i) below:

(i) within three months of the date of this decision, the flat roof of the front extension shall replace the current hipped roof and the canopy at the rear shall be implemented as approved and shall be permanently retained as such thereafter.

Reason:

To safeguard the character and appearance of the host dwelling and general area in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 3 The restaurant use with internal seating within the building hereby permitted shall not be open to members of the public before 8:30am or after 11.30pm Mondays to Thursdays, before 8.30am on Fridays or after 1:30am on Friday night/ Saturday

morning, before 9am and after 1:30am on Saturdays, or before 9am or after 11pm on Sundays and Bank and Public Holidays.

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

- 4 The restaurant and shisha uses located under the rear canopy or outside of the building hereby permitted shall be vacated and not used by members of the public after 11:30pm Mondays to Saturdays and after 11pm on Sundays and Bank and Public Holidays.

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

- 5 The shisha use within the hereby permitted building and structures shall not be open to members of the public before 11.30am.

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

- 6 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 9.00 am or after 7.00 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 7 No flues, ducting, air conditioning units or piping shall be constructed on the exterior of the building.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Notwithstanding the planning recommendation, the applicant is advised that the canopy would still be required to comply with Environmental Health standards for smoking shelters; this would include the removal of the plastic sheeting and palm trees located at the rear.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,865 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 £18,765 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.

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a two storey end-of-terrace building located on the southern side of Church Lane, near the junction with High Road in the East Finchley Ward. The property is not listed nor does it lie within a conservation area. It is however locally listed. The properties on this section of the road are generally characterised by commercial units on the ground floor and residential accommodation on the floors above.

To the east, the site borders the Esso Petrol Station at the junction with High Road. Further to the north east, approximately 50 metres from the site lies Martin Primary School. To the north, lies a three storey block of flats known as Rew Lodge.

The documents submitted indicate that the use of the upper floor is currently offices and other facilities ancillary to the ground floor commercial unit. At the time of the site visit, there was no evidence of the first floor being used for independent residential accommodation.

2. Site History

Reference: 15/01019/FUL

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Withdrawn

Decision Date: 12 May 2015

Description: Change of use from A4 (drinking establishment) to A3 (restaurants and cafes), erection of 2 no. canopy structures to rear, rebuild of existing canopy in rear garden, demolition of outbuilding and rebuild with a new canopy in rear garden, erection of new roof to front patio area

Reference: 15/01020/ADV

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Withdrawn

Decision Date: 12 May 2015

Description: 1 no illuminated fascia sign to front, 3 no. illuminated signs to side.,

Reference: 15/02919/ADV

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. externally illuminated fascia sign and 1no. externally illuminated wall mounted sign (Retrospective Application)

Reference: C06650B/07

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 22 February 2008

Description: First floor rear extension to existing flat.

Reference: C06650A

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 29 September 1998

Description: Single storey side extension.

Reference: C06650

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Decision: Approve subject to conditions

Decision Date: 20 March 1979

Description: Single storey rear extension

3. Proposal

The applicant seeks planning permission for the change of use from A4 (drinking establishment) to A3 (restaurants and cafes) combined with secondary sui generis use (shisha). In addition, the removal of existing canopy structures at rear and erection of new canopy structure with perspex roof, and a single storey front/side extension.

At the front, the extension has a depth of 4.9m to infill up to the existing front façade and side elevation. The extension at the front is proposed to be changed from the pitched roof (which does not benefit from consent) to a flat roof with a height of 3.3m.

At the time of the site visit, the canopy at the rear was partially built. The structure would not be visible from the side elevation (petrol garage) or from the streetscene. The canopy including alterations, as proposed would be set 1 metre away from the main building and from the boundary with the petrol station, to comply with Environmental Health smoking shelter legislation and have a maximum height of 2.5 metres.

4. Public Consultation

Consultation letters were sent to 74 neighbouring properties.

24 responses have been received, comprising 24 letters of objection.

The objections received can be summarised as follows:

- Parking and highways issues
- Out of character
- Entirely inappropriate given its location located opposite a school/ petrol station
- Smoke/ smell
- Excessive noise & disturbance
- Object to the signs
- Principle of smoking is unacceptable
- Anti-social behaviour
- Too many restaurants already
- Encroach onto privacy of neighbours/ overlooking
- Signs (part of separate application)
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- Detrimental impact on visual amenity
- Noise & disturbance to local residents.

In addition, Councillor Arjun Mittra has requested that the application is referred to the planning Area Sub Committee. The grounds for objection specified were 'detrimental impact on neighbours and overdevelopment'.

Since the consultation period has closed, one of the objectors has withdrawn his objection and provided the following comments:

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- Attractive and positive addition to neighbourhood (better than previous establishment)

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5.2 Main issues for consideration

The main issues for consideration in this case are:

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5.3 Assessment of proposals

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In conclusion, the proposal is not considered to be detrimental to the character and appearance of the host property and of the general vicinity.

Impact on neighbouring occupiers

The plans indicate that the existing use of the first floor was ancillary to the ground floor use, and this will remain for the proposed use. During the site visit, it was not evident that the upper floor was being used as an individual unit.

The use as an A4 unit with ancillary sui generis accommodation (for shisha) is not considered to differ with regards to the level of user activity. On balance it is therefore not considered that the proposed use would give rise to an unacceptable level of noise and disturbance than previously experienced by the A4 use. In addition, there is a large access road separating the properties on Leopold Road to the south from the host site. A condition has been attached to address the opening hours for the unit as a whole, and a further condition to restrict the use at the rear of the site (under the canopy) to address concerns from neighbours regarding noise and disturbance. It must be noted that the hours of operation specified in the condition are less than the previous A4 use. With regards to the shisha element, a condition has been attached for this to commence after 11:30am.

Due to the canopy at the rear being located on the ground floor only, it is not considered that this would give rise to overlooking into the private gardens of neighbouring occupiers.

With regards to the proposed shisha element, the applicant has confirmed that this would be solely located at the rear of the site and ancillary to the restaurant use. The Environmental Health team have commented on the proposals and the proposed structure at the rear, and subject to the removal of the plastic drip sheet and high level palm trees, the canopy at the rear would comply with Environmental Health requirements regarding smoking shelters.

The Council's Highways team were consulted as part of the previous application which was withdrawn by the applicant. The Highways officer considered that the proposal, given the original A4 use, "is not expected to have a detrimental impact on the public highways and I have no objection on highways grounds"

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in the report above.

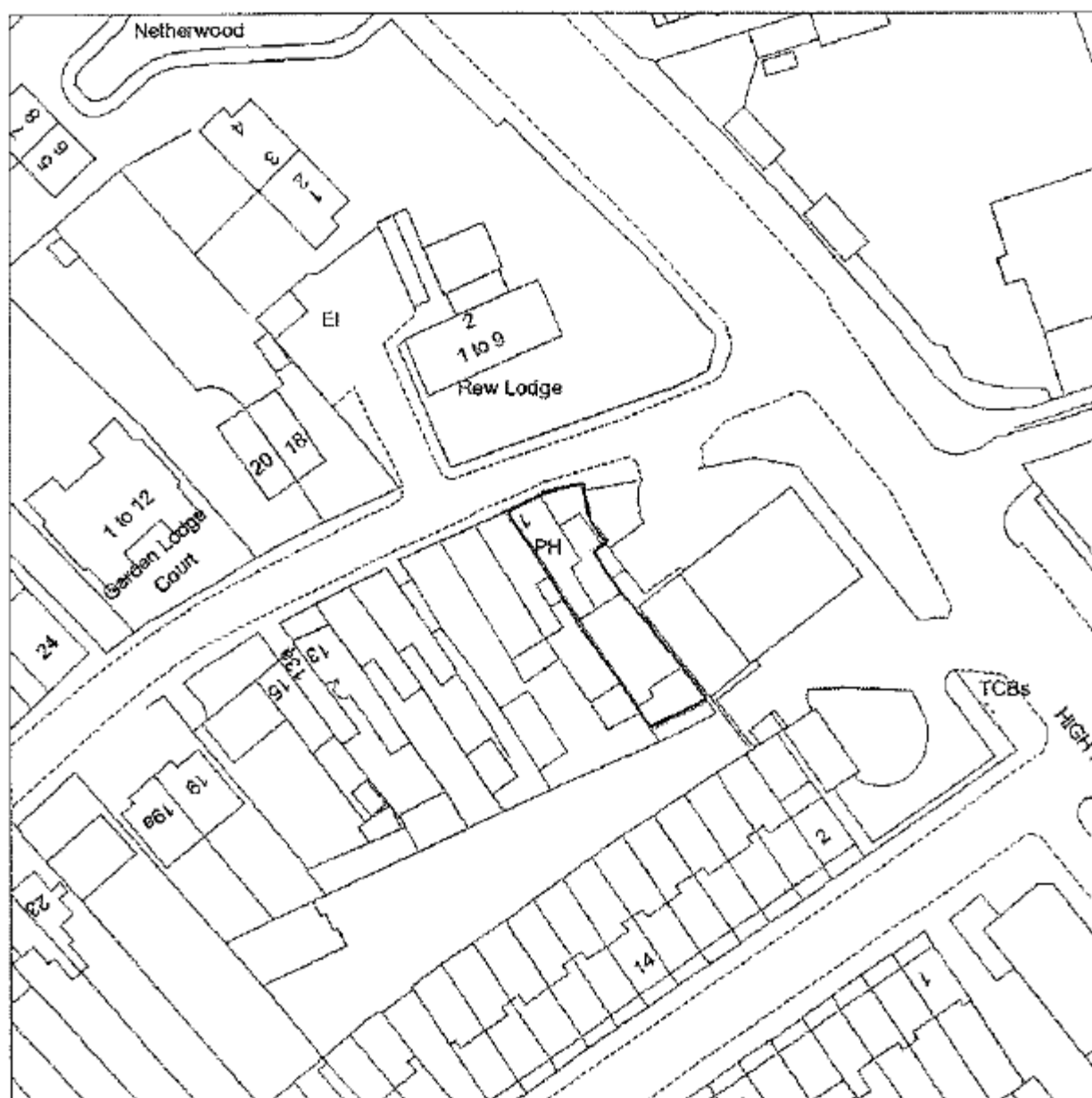
With regards to the suitability of the shisha establishment in this location (within close proximity of the school and petrol station), this aspect does not constitute a material consideration and as such little weight can be given to it. The area has no particular use class designation and as mentioned above the development is considered to be in accordance with planning legislation.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



FINCHLEY & GOLDERS GREEN AREA PLANNING COMMITTEE

15 October 2015

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

*The Alexandra 1 Church Lane London N2 8DX - (only)***Pages 77-86****Reference: 15/02918/FUL****Address: The Alexandra 1 Church Lane London N2 8DX**

Since the report was published, the following further comments have been submitted specifying a strong support of the application on the following grounds:

- Objections (anonymous letters) have raised negative feelings towards the restaurant.
- No noticeable increase in traffic or noise (Church Lane although quiet is by High Road which is a busy road)
- Restaurant has made "an enormous effort to create a wonderful environment for a relaxing evening out"
- Use replaces a pub, with worst conditions in terms of drinking
- East Finchley is diverse and this compliments it

The following additional comments have also been received objecting to the scheme:

- Shisha element is a material change of use
- Pub had no smoking area (people smoked at the front)
- Residents woken up by customers
- "laughing gas" containers left on pavement
- Smell of smoke and noise entering gardens of neighbours
- Neighbours tricked into signing a letter of support

With regards to the final comment, officers have received comments indicating that there have been letters of support submitted on behalf of residents who do not support the scheme. The council has only considered the comments received following the formal consultation carried out.

In addition, the following further comments have been received from Environmental Health:

- Recommend refusal of the scheme as the nature of the structure is likely to lead to noise and odour complaints, particularly during the summer months when residents are likely to keep windows open and sit in their gardens.

Notwithstanding the comments from Environmental Health, planning officers recommend that consideration should be given to the current lawful use of the site as a pub with a garden. On balance, it is considered that the following additional conditions would address concerns regarding noise and disturbance:

Condition 8:

a) The use shall not commence on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise generated from the use and measures to be implemented to address its findings 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 amenities of residents are not prejudiced by mixed use noise in the immediate surroundings in accordance with Policy 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 2011.

Condition 9:

No music shall be played under the rear partially enclosed canopy structure or outside of the building hereby approved at any time.

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

LOCATION:	Stonegrove and Spur Road Estate, Edgware, HA8 8BT		
REFERENCE:	15/04371/S73	Received: 14 July 2015	AGENDA ITEM 11
		Accepted: 15 July 2015	
WARD(S):	Edgware	Expiry: 14 October 2015	
		Final Revisions:	
APPLICANT:	Barratt London		
PROPOSAL:	<p>Variation of condition 1 (Plans) pursuant to planning permission H/00233/13 dated 22/04/2013 for Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 3 and 8 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11. Variation included replacing the four storey apartment buildings A4 & A5, on Plots 3 and 4 respectively, with six three storey houses. Adding an additional storey of accommodation to building A2 on Plot 1 and minor adjustments to the surrounding landscape.</p>		

Background

The Council's Regeneration Service is working in partnership with Barratt Homes and Family Mosaic to deliver the comprehensive redevelopment of the Stonegrove and Spur Road Estates which are identified as one of the Council's Priority Housing Estates for regeneration in Barnet's Three Strands Approach.

Outline planning consent was granted on the 6th October 2008 (ref W013582E/07) for the redevelopment of the Stonegrove and Spur Road Estates comprising the demolition of the existing 603 flats on the estates and the construction of 937 new homes of which 417 are affordable and 520 are for private sale. The outline planning consent was renewed in December 2011 for a further three years under application H/03653/11.

The outline planning permission approved a masterplan for the development which established the siting of the new buildings and the points of access and road layout. The scale of the buildings, external appearance and landscaping were 'reserved' for future consideration (the Reserved Matters).

The regeneration is being built out in phases and the reserved matters for the remainder of the development have already been approved across all of the Character Zones identified by the masterplan as well as for the erection of a new church and community building.

Character Zones 3 and 8

Reserved Matters approval for Character Zones 3 and 8 was granted on the 22/04/2013 under planning application reference H/00233/13 for:

‘Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 3 and 8 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11.’

The S73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the approved planning condition attached to reserved matters approval H/00233/13 dated 22nd April 2013, involving the following amendments to the approved scheme.

These changes are limited to Buildings A2, A4 and A5 of Plots 1, 3, 4 which fall under Character Zone 8 of the approved Stonegrove and Spur Road Estate involving the following changes:

- i. Revision to Building A2 (within Plot 1) to include an additional storey of residential accommodation;
- ii. Replacement of four storey apartment buildings A4 and A5 (within Plots 3 and 4 respectively) with six three storey houses; and
- iii. Minor adjustments to the surrounding landscape.

No changes to the overall number of units is proposed as a result of these amendments and the phase does not affect any affordable housing units with the revised scheme still providing 22 shared ownership units and 196 homes for private sale. There will however be a slight change in the configuration of the private units and the distribution of units within the phase. As a result of the proposed amendments the scheme would provide 9 fewer 1 bed units, 5 fewer 2 bed units, 8 additional 3 bed units and 6 additional 4 bed units.

The proposed changes to the resultant buildings are considered to be acceptable in relation to the resultant design and appearance of the building, being similar in scale to adjoining buildings. The proposed amendments would not significantly impact upon the amenities of neighbouring residential properties, or impact upon the surrounding road network or parking. The proposed amendments are therefore considered acceptable and the proposal is recommended for **APPROVAL**.

RECOMMENDATION: Approve Subject to Conditions

1. Approved Plans

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

MLA/305/L/100
MLA/305/L/001/100/P1 MLA
MLA/305/L/001/101
MLA/305/L/001/102
MLA/305/L/001/103/P1 MLA Plot 01
MLA/305/L/001/104/P1 MLA Plot 01
MLA/305/L/001/300
MLA/305/L/001/301/P1 MLA Plot 01
MLA/305/L/001/302/P1 MLA Plot 01

MLA/305/L/002/100 P1
MLA/305/L/002/101 P1
MLA/305/L/002/102
MLA/305/L/002/103
MLA/305/L/002/104
MLA/305/L/002/300
MLA/305/L/002/301 P1

MLA/305/L/003+004/100/P2 MLA Plots 03+04
MLA/305/L/003+004/101/P1 MLA Plots 03+04
MLA/305/L/003+004/102/P1 MLA Plots 03+04

MLA/305/L/003+004/104/P1 MLA Plots 03+04
MLA/305/L/003/300/P1 MLA Plot 03
MLA/305/L/003/301/P1 MLA Plot 03
MLA/305/L/004/300/ Pa MLA Plot 04

MLA/305/L/MA/100
MLA/305/L/MA/102
MLA/305/L/MA/110
MLA/305/L/MA/115
MLA/305/L/MA/120
MLA/305/L/MA/122
MLA/305/L/MA/141
MLA/305/L/MA/142
MLA/305/L/MA/143
MLA/305/L/MA/144
MLA/305/L/MA/145
MLA/305/L/MA/146
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MLA/305/L/MA/152

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MLA/305/L/SO/180
MLA/305/L/SO/181
MLA/305/L/SO/182
MLA/305/L/SO/183
MLA/305/L/SO/184
MLA/305/L/SO/185
MLA/305/L/400 P1
MLA/305/L/401
MLA/305/L/402

Transport Technical Note prepared by RGP dated February 2013 (ref:
CMB/BAWL/2011/1296/TN03)
2011/1296/014 Rev.A
2011/1296/019
2011/1296/002 Rev.B
2011/1296/003 Rev.A

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 (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

2. **Materials**

Notwithstanding the plans hereby approved, before the commencement of development within each Zone hereby permitted, details and samples of all materials to be used for the external surfaces of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.

Reason:

To ensure the delivery of high quality buildings and safeguard the visual amenities of the locality 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.

3. **Architectural Details**

Before the commencement of development within each Zone hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Balconies including perforated metalwork balustrades and brickwork to internal facades;
- (ii) Depth of window reveals to a minimum depth of 215mm;
- (iii) Decorative brickwork around windows and on the ground floor;
- (iv) Canopies to apartment entrances;
- (v) Rainwater goods to rear elevations and recessed brick detail to street elevations;
- (vi) Roof parapets;

The development shall be implemented in accordance with the details as approved.

Reason:

To ensure the delivery of high quality buildings and safeguard the visual amenities of the locality 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.

4. **Car Parking Management Plan**

Prior to the occupation of each Zone hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. the allocation of car parking spaces;
- iii. on site parking controls and charges;
- iv. the enforcement of unauthorised parking; and
- v. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason:

To ensure that adequate parking is provided on the site and managed in line with the Council's standards in the interests of pedestrian and 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.

5. **Security Management Plan**

Prior to the occupation each Zone hereby approved, a Security Management Plan detailing security measures for this phase in accordance with the principles of Secure By Design shall be submitted to and approved

in writing by the Local Planning Authority in consultation with the Barnet Borough Police Crime Prevention Design Adviser.

Reason:

To ensure that the development provides a safe and secure environment.

6. **Security Gates**

Before the occupation of each Zone hereby permitted, details of security gates to any undercroft car parks within that Zone shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall comply with PAS 24: 2007 and LPS 1175 security standards.

Reason:

To ensure that the development provides a safe and secure environment and in the interests of the appearance of the development and streetscene.

7. **Tree Method Statement**

No siteworks or works within Zone 8 of the development hereby approved shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees and measures to allow for root growth in relation to the proposed car parking bays within the RPZ of trees within G176 in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2015.

8. **Waiver of Liability and Indemnity Agreement**

Prior to the occupation of the development hereby approved, a Waiver of Liability and Indemnity Agreement in relation to the non-adopted roads within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason:

To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area 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.

9. **Details of Stopping Up of Public Highways**

Prior to the commencement of the development hereby approved, details of any public highways within each sub-phase to be stopped under Section 247 of the Town and Country Planning Act shall be submitted to and agreed with the Local Planning Authority.

Reason:

To ensure that adequate public access is provided throughout the development.

10. **Details of Traffic Circulation Routes**

Prior to the occupation of any of the units in the Zones hereby approved, details of traffic circulation routes along the non-adopted roads within the zones along with any associated signage and street furniture, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved.

Reason:

To ensure that vehicles can access the development safely 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.

11. **Electric Charging Points**

Before the commencement of each Zone hereby permitted full details of the electric vehicle charging points to be installed in the car parking spaces that serves the relevant zone shall have been submitted to the Local Planning Authority and approved in writing. 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 2015.

INFORMATIVE(S):

1. A surface water strategy should be carried out as part of a Flood Risk Assessment (FRA) to demonstrate that the proposed development will not create an increased risk of flooding from surface water. This should be carried out in accordance with the National Planning Policy Framework and the PPS25 Practice Guidance giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

The London Plan policy 5.13 states that the mayor's preferred standards are that developers achieve Greenfield runoff rates. The mayor's essential standard is that a 50% reduction in post development runoff rates are

achieved. Therefore, the FRA should address this by quantifying existing and proposed rates for the critical storm for a range of events up to the 100 year climate change event.

Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge may be appropriate. In any case the surface water strategy should clearly show that:

- Peak discharge rates from site will be reduced in accordance with policy 5.13 of the London Plan as a result of the proposed development, up to a 1 in 100 year storm with a suitable allowance for climate change.
- Discharge volumes from site will not increase as a result of the proposed development, up to a 1 in 100 year storm with a suitable allowance for climate change.
- The site will not flood from surface water up to a 1 in 100 year storm with a suitable allowance for climate change, or that any surface water flooding can be safely contained on site up to this event. There should be no flooding on site under the 1 in 30 year event. Some nominal controlled flooding of open spaces areas such as car parks will be permitted provided that there is no risk to flooding of property or key infrastructure and it is ensured that there is no increase of offsite flows. Any surface water strategy should try to utilise sustainable drainage techniques, in accordance with the SuDS management train (Ciria C609). Guidance on the preparation of surface water strategies can be found in the Defra/Environment Agency publication "*Preliminary rainfall runoff management for developments*".

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

2. The applicant is advised that not all of the estate roads proposed to serve this development will be adopted. However, if the councils refuse vehicles are required to enter the site, the estate road(s) must be constructed to adoptable standards. Details of the road construction requirements can be obtained from the Traffic and Development Section in Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

3. The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence. For further details, please contact Traffic & Development Section – Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP.
4. The development will require junction improvements and accesses to be formed on the public highway. The costs of any associated works to the public highway, including and temporary traffic orders and reinstatement works, will be borne by the applicants and may require the applicant to enter into a section 278 Agreement under the Highways Act 1980. Detailed proposals for these works should be submitted for approval to the Traffic & Development Section – Environment, Planning and Regeneration Directorate, North London Business Park ((NLBP), Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
5. The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.
6. Where a developer proposes to discharge water to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

The Application was deferred from consideration at the Planning Committee Meeting of the 28th October 2015, to allow for direct consultation with Harrow Residents to take place.

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises The London Plan (published July 2011), Barnet's Local Plan (Core Strategy) 2012 and Development Management Policies DPD 2012.

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

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions

and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

National Planning Policy

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan: March 2015}

The London Plan (Consolidated with alterations since 2011) was adopted in March 2015 and provides the strategic planning guidance and policies for the capital. It promotes sustainable growth and environmentally responsive development.

The following policies are considered relevant:

Policy 3.5 Quality and design of housing developments

Policy 5.3 Sustainable design and construction

Barnet Core Strategy (Adopted 2012)}

The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The following policies are considered relevant:

CS 1 Barnet's Place Shaping Strategy - The Three Strands Approach

CS 10 Enabling Inclusive and Integrated Community Facilities and Uses

Development Management Policies DPD (Adopted 2012)}

DM02 Development standards

DM04 Environmental considerations for development

The Three Strands Approach:

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the

Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities.

The third strand 'Growth' responds to Barnet's significant growth potential and sets out how and where sustainable strategic growth, successful regeneration and higher density can take place across the borough. The Three Strands Approach identifies the council's programme to regenerate four priority housing estates within the borough, including Stonegrove and Spur Road. This major programme of regeneration will see over 3,500 Council homes replaced with 8,000 new homes for existing tenants, for shared owners and key workers, and for private sale. The programme seeks to transform these council housing estates into thriving mixed tenure neighbourhoods.

1.2 Relevant Planning History

W13582E/07

Stonegrove and Spur Road Estates, Edgware, London

Description of Development: Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facility, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking. Submission of Environmental Statement.

Approved 6th October 2008 after completion of a S106 agreement.

H/02723/09

Zone 6, Stonegrove and Spur Road Estates, Edgware, London

Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 6 of the redevelopment of Stonegrove and Spur Road Estates comprising 98 residential units pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.

Approved 19th October 2009

H/04521/09

Zone 5A, Stonegrove and Spur Road Estates, Edgware, London, HA8 8BT

Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 5A of the redevelopment of Stonegrove and Spur Road Estates comprising 67 residential units for private sale pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.

Approved 18th February 2010

H/00433/11 Development Phase 2 (comprising part of Character Zones 2 and 4), Stonegrove and Spur Road Estates, Edgware, HA8

Reserved matters application seeking approval for scale, external appearance and landscaping in relation to Development Phase 2 (comprising part of Character Zones 2 and 4) of the redevelopment of Stonegrove and Spur Road Estates, comprising 107 residential units, including 19 houses, pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008.

Approved 16th March 2011

H/03635/11

Stonegrove and Spur Road Estates, Edgware, London

Extension to the time limit for implementing Condition 3 of planning permission W13582E/07 dated 06/10/08 to allow submission of reserved matters to continue development in respect of 'Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing

residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facilities, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking.'

Approved 7th December 2011 following deed of variation to the original section 106 agreement.

H/02475/12

Stonegrove and Spur Road Estates, Edgware, London

Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 2 (part), 4, 5B and 7 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11.

Approved 23rd October 2012.

H/00233/13

Stonegrove and Spur Road Estates, Edgware, London

Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 3 and 8 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11.

Approved 22nd April 2013.

H/01379/14

Stonegrove and Spur Road Estates, Edgware, London

Reserved Matters Application (scale, appearance and landscaping) for combined Community Centre and Church Building within Character Zone 2 pursuant to outline planning permission ref: W13582E/07 dated 06/10/08 as renewed by planning permission ref: H/03635/11 dated 07/12/11. Approved 1st May 2014.

14/07419/RMA

Stonegrove and Spur Road Estates, Edgware, London

Reserved Matters Application (scale, appearance and landscaping) for the erection of 14 houses and a replacement vicarage within Character Zone 6a pursuant to outline planning permission ref: W13582E/07 dated 06/10/08 as renewed by planning permission ref: H/03635/11 dated 07/12/11.

Approved 26th March 2015.

1.3 Public Consultation and views Expressed

Letters were sent out to 431 addresses on the 17th July 2015. The application was advertised on site and in the press on the 31st January 2013. Copies of the application were made available at the Council's Planning Reception at Barnet House. No Letters of representation were received as a result of this consultation.

A second round of consultation was carried out on the 29th October. This consultation covered 152 London Borough of Harrow Residents located on the opposite side of the A5 (Stonegrove) along with St Peters Church and the Edgware and District Reform Synagogue.

As a result of this consultation, six letters of representation were received of which five were in objection to the proposal along with one letter of support. One of the objectors also requested to speak at planning committee.

The grounds of objections are as follows.

- Failure to consult Harrow residents regarding proposed amendments;
(Officer Comment: the application was deferred from consideration at the planning committee meeting of the 28th October 2015 to allow for direct consultation with Harrow residents to take place, the Council is satisfied that sufficient public consultation has now been carried out which exceeds statutory requirements).
- Height and Density of Scheme greater than consented following extensive negotiation and consultation on the original consent;
(Officer Comment: It is agreed that the height of the scheme is increased and when measured in habitable rooms per hectare the density of the scheme is increased. However these issues by themselves are not sufficient reason to refuse the scheme unless these matters themselves result in adverse planning impacts).
- Increase in height will result in overbearing form of development which would affect residents located opposite;
(Officer Comment: The proposed block is located approximately 48m from the line of properties located opposite, due to this distance separation it is not considered that the proposed changes would significantly impact upon the amenities of these properties. The scheme is accompanied by a Daylight/ Sunlight Assessment which demonstrates that the proposal would not materially affect daylight or sunlight to these properties)
- Proposed changes are significant and cannot be considered minor material;
(Officer Comment: The term minor material is a planning term and is defined in the National Planning Policy Guidance (NPPG) as 'any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'. It is considered that the proposal accords with this guidance.)
- While the number of units is not increasing, the size of the units is as well as the Gross External and Gross Internal Area of the phase;
(Officer Comment: While this matter is correct and is stated in the submitted application documents this is not sufficient reason to refuse the scheme unless these matters themselves result in adverse planning impacts).
- If changes are allowed, further proposals for alterations are likely to be submitted.
(Officer Comment: Each case needs to be decided on its own merits. Any further applications for amendments can be controlled through the normal planning process).
- Insufficient details provided in relation to landscaped changes, several trees

on Stonegrove have been recently removed.

(Officer Comment: The landscaping changes are minor and principally involve the changes to the garden areas of the three storey houses which replace the four storey flats shown in the reserved matters approval resulting in individual gardens rather than a communal space. The trees which have recently been removed, follow requests for their removal from the Council's regeneration service and are not as a result of this proposal).

- Impact on parking due to the larger size of the units (more bedrooms) along with trade/ visitor requirements;
(Officer Comment: The car parking strategy for the Stonegrove redevelopment, provides for 1 space per residential unit irrespective of unit size. The current proposal accords with this policy).
- Description on consultation letter unclear to persons consulted.
(Officer Comment: The description of development on consultation letters summarise the main changes proposed. The description is be necessity long due to the need to state the form of the application).

One Letter of support received from the Edgware and District Reform Synagogue on the grounds that the proposal removes the large 4 storey (plus roof) block of flats and replaces it with two 3 storey houses on the southwest corner, next to the entrance to our premises.

(Officer Comment: The comment supporting the application is noted).

2. DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT

2.1 Background

The Council's Regeneration Service is working in partnership with Barratt Homes and Family Mosaic to deliver the comprehensive redevelopment of the Stonegrove and Spur Road Estates which are identified as one of the Council's Priority Housing Estates for regeneration in Barnet's Three Strands Approach.

Outline planning consent was granted on the 6th October 2008 (ref W013582E/07) for the redevelopment of the Stonegrove and Spur Road Estates comprising the demolition of the existing 603 flats on the estates and the construction of 937 new homes of which 417 are affordable and 520 are for private sale. The outline planning consent was renewed in December 2011 for a further three years under application H/03653/11.

The outline planning permission approved a masterplan for the development which established the siting of the new buildings and the points of access and road layout. The scale of the buildings, external appearance and landscaping were 'reserved' for future consideration (the Reserved Matters).

The regeneration is being built out in phases and the reserved matters for the remainder of the development have already been approved across all of the Character Zones identified by the masterplan as well as for the erection of a new

church and community building.

2.2 Description of Site

Stonegrove and Spur Road Estates

The Stonegrove and Spur Road estates are located between the A5 Edgware Road, A410 Spur Road and the A41 Edgware Way approximately 1.2km from Edgware town centre. The site is within walking distance of Stanmore Underground Station (0.8km to the west) and Edgware Underground Station (1.7km to the south).

The overall regeneration site comprises an area of 11.37 hectares including the Stonegrove and Spur Road housing estates, the former Edgware School land and St. Peter's Church. The original residential accommodation across the two estates comprised 603 one, two and three bed flats and maisonettes in 19 blocks ranging from 4 to 11 storeys in height.

The London Academy which was completed in 2006 under a separate planning consent (ref: W13031/02), is located on the north side of the estate along Spur Road. The Academy replaced Edgware School which has since been demolished.

A petrol filling station, Tesco Express store and McDonald's restaurant are located to the north west of the site on the Canon's Corner roundabout.

The areas to the south and west are made up of traditional residential streets. The majority of property is 1930s and 1950s detached and semi-detached housing. The Edgware Reform Synagogue is located on Stonegrove (A5) immediately to the south of the site.

Zones 3 and 8

The outline planning application for the regeneration of Stonegrove and Spur Road Estates has established an overall masterplan for development. The masterplan is divided into eight complementary character zones.

This current S73 submission relates to Zones 3 and 8 which are on the west side of the estate and principally relate to the frontage along Stonegrove (A5).

Zone 3

The site for Zone 3 is located behind the Stonegrove frontage on the south side of the central avenue and is bounded by Sterling Lane in the east, Lacy Drive to the north, the back of the Stonegrove frontage blocks to the west and the London Reform Synagogue to the south.

Zone 8

The site for Zone 8 is on the western side of the estate along the Stonegrove (A5) frontage. It is bounded by Willow Court in the north and the London Reform Synagogue in the south and Zones 2 and 3 to the east. Three storey blocks of flats and two storey semi-detached houses are located on the opposite (West) side of the A5 in the London Borough of Harrow.

St Peter's Church, Church Hall and Parsonage are located within the area for Zones 3 and 8 along with other estate blocks.

2.3 Description of Development

Development Approved Under the Outline Planning Permission

The approved outline planning consent for the regeneration of Stonegrove and Spur Road Estates (reference W13582E/07 as extended by application H/03635/11) comprises the following:

- Demolition of all existing residential dwellings, community buildings and former Edgware School buildings;
- Construction of 937 residential units of which 520 will be for private sale and 417 will be affordable;
- Construction of a new community hall;
- Replacement of the existing St Peter's Church, Church Hall and parsonage with a new Church, Church Hall and parsonage. The Church Hall will be suitable for accommodating a playgroup/crèche;
- High quality public open space provision along with private gardens and communal gardens;
- Provision of a local Energy Centre to serve the development;
- Provision of a maximum of 1000 car parking spaces;
- Pedestrian and cycle routes across the site linking into the pedestrian and cycle network in the surrounding area;
- Means of access and off-site highway works. This includes a new access onto the A5 Stonegrove, retained but altered access points at Kings Drive and Green Lane and new private access junction onto the A410 Spur Road.

The Reserved Matters Approval for Character Zones 3 and 8.

Reserved Matters approval for Character Zones 3 and 8 was granted on the 22/04/2013 under planning application reference H/00233/13 for:

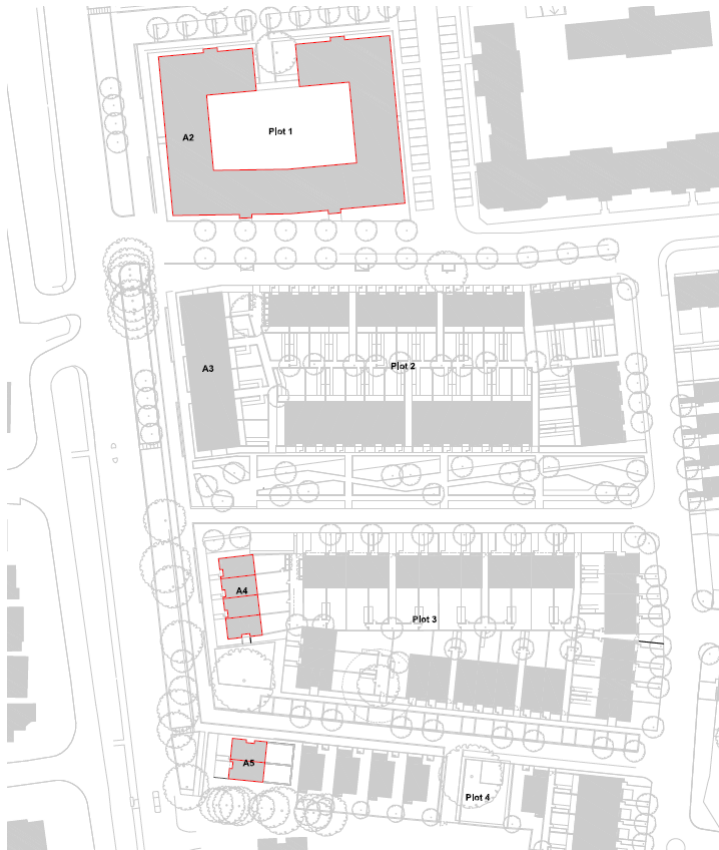
'Reserved matters application seeking approval for scale, external appearance and landscaping for character zones 3 and 8 of the redevelopment of Stonegrove and Spur Road estate pursuant to condition 2 of planning permission W13582/07 as renewed by H/03635/11 dated 07/12/11.'

The S73 Application

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the approved planning condition attached to reserved matters approval H/00233/13 dated 22nd April 2013, involving the following amendments to the approved scheme.

These changes are limited to Buildings A2, A4 and A5 of Plots 1, 3, 4 which fall under Character Zone 8 of the approved Stonegrove and Spur Road Estate involving the following changes:

- i. Revision to Building A2 (within Plot 1) to include an additional storey of residential accommodation;
- ii. Replacement of four storey apartment buildings A4 and A5 (within Plots 3 and 4 respectively) with six three storey houses; and
- iii. Minor adjustments to the surrounding landscape.



Justification for Proposed Changes

The stated justification for the proposed changes concern the difficulty in marketing the approved four storey apartment blocks in Plots A4 due to the lack of a lift core and difficulties in retrospectively adding to this to the design. As such the application proposes to alter these properties to three storey houses and to reprovide the flats in the purpose built apartment block (which is served by lifts) in Plot A1.

Architectural justifications for the proposed change, concern compliance with the Stonegrove design masterplan with reducing densities from north to south, and the better relationship of the taller apartment building in Plot A2 with the taller buildings to the north and east, and the better relationship between the new houses and other similar properties along the southern portion of the site.

3. PLANNING APPRAISAL

3.1 Principle of Change

The National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”*

The merits of the proposed amendments are discussed in greater detail below, however the principle of the development of this portion of the site for residential purposes has already been established under previous consents. The current application would not increase the number of habitable units, or involve any changes to the approved highway layout or openspace provision within the development.

The main issues arising out of the current application concern housing mix, design, neighbouring amenity and parking, which are discussed below, providing the impact of the proposed changes are considered acceptable in these regards it is considered that the proposal can be satisfactorily determined in the form which this application has been submitted.

3.2 Impact on Housing Mix

As can be seen in the attached table, no changes to the overall number of units is proposed as a result of these amendments and the phase does not affect any affordable housing units with the revised scheme still providing 22 shared ownership units and 196 homes for private sale. There will however be a slight change in the configuration of the private units and the distribution of units within the phase. As a result of the proposed amendments the scheme would provide 9 fewer 1 bed units, 5 fewer 2 bed units, 8 additional 3 bed units and 6 additional 4 bed units. This is discussed in further detail below under housing mix. There will also be an increase in the number of houses by 6 and a corresponding reduction in the number of flats. Plots 3 and 4 will have less units and Plot A1 will have more units.

			Consented Scheme	Amended Scheme
Plot 1	Apartment	1bed 2person	49	49
		2bed 4person	53	59
		3bed 6person	0	8
	House	3bed 5person	0	0
		4bed 7person	0	0
	Total Units Plot 1		102	116
Variation in Units			14	
Plot 3	Apartment	1bed 2person	6	0
		2bed 4person	6	0
	House	3bed 5person	7	7
		4bed 7person	23	27
	Total Units Plot 3		42	34
	Variation in Units			-8
Plot 4	Apartment	1bed 2person	3	0
		2bed 4person	5	0
	House	3bed 5person	10	10
		4bed 7person	0	2
	Total Units		18	12
	Variation in Units			-6
Total	Total Units		162	162
	Total Variation in Units			0

Policy CS4 (Providing Quality Homes and Housing Choice in Barnet) of the Core Strategy and Policy DM08 (ensuring a variety of sizes of new homes to meet housing need) of the Development Management Policies) advise that in relation to private units homes with 4 bedrooms are considered the highest priority and homes with 3 bedrooms are a medium priority. As such the amendments proposed under the current application increasing the number of 3 and 4 units is welcomed in policy terms and is considered acceptable.

3.3 Design, Scale and Massing

The application proposes an additional storey on the apartment building identified as Plot A2 on the approved drawings, and the replacement of the proposed four storey apartment building in Plots A4 and A5 with six 3 storey terraced and semi detached properties.

In relation to the proposed changes to the apartment block at Plot A2, involving the increase in the height of this building from 4 to 5 storeys. This proposed change is achieved through the addition of a full storey while maintaining the overall design appearance of the building including the use of the banded brickwork decoration to the ground floor, along with maintaining the use of semi-projecting / semi-inset balconies to apartments on the first and second floors, with the projecting elements also employing decorative metalwork balustrades. These elements help break up the massing of the building, resulting in a more sympathetic visual appearance. In relation to the scale and massing of the adjoining buildings, four storey apartment buildings are located immediately to the north and south of the building, with taller five storey elements being contained in the apartments located to the east of this plot in Cannon's Way. In relation to properties located outside of the Stonegrove redevelopment boundary, properties located on the opposite side of Stonegrove to

the west are predominately 3 storeys in height with a 7 storey building (London House) in the northern portion of this frontage.

In terms of the relationship to the surrounding properties it is noted that while 4 storeys the form of the apartment buildings to the north and south differ from that of this plot, incorporating pitched roofs over the fourth storey resulting in relation to the apartment building to the north in an increased height in comparison to the original height of Plot A2 proposed under the reserved matters approval for this phase. The submitted design and access statement illustrates the appearance of the building in comparison to the adjoining form of development, and it is clear that the resultant appearance of Plot A2 will sit comfortably in scale with the surrounding buildings in this location and the proposed changes are considered acceptable in this instance.

In relation to Plots A4 and A5 the proposal involves the replacement of two smaller 4 storey blocks of apartments on the south western corner of the site, with 6 three storey houses on a broadly similar footprint. The landscaping of the rear amenity areas will also be altered to provide individual gardens rather than the communal space previously proposed. The surrounding form of development immediately adjoining the development to the east, consists of similar proportioned houses, and as such the proposed amendments would have a negligible to positive impact upon the surrounding townscape and is considered acceptable. The detailed design of the houses which are in the form of plot types previously used elsewhere in the Stonegrove Estate, the resultant appearance of these properties, which match the detailed design of adjoining houses is considered acceptable and would be in keeping with the prevailing pattern of development.

3.4 Amenities of future Residential Occupiers

All of the proposed units will be designed to meet the current Mayor's standards and Lifetime home standards and private amenity areas will be provided for all of the units connected with this S73 application, in the form of gardens for the new houses and inset balconies for the proposed flats.

3.5 Neighbouring Amenity

The proposal is accompanied by a Daylight and Sunlight report which assesses the impact of the increase in height of Block A2 on the amenities of neighbouring blocks and other properties outside of the Stonegrove Site. The Report demonstrates that the proposal would not result in any significant impact upon the amenities of neighbouring residential properties in relation to daylight or sunlight. In relation to the impact of properties located on the opposite side of Stonegrove, the proposed block is located approximately 48m from the front building line of this property, due to this distance separation, which comfortably exceed the minimum distances specified in Council Policy it is not considered that the proposed changes would result in any significant impact upon the amenities of these properties. The footprint of the buildings are not being altered and as such privacy distances between blocks are unchanged, and it is not considered that the proposal would significantly affect privacy over and above the existing situation.

3.6 Highways and Parking

The Reserved Matters Approval for this phase envisaged parking provision at the ratio of 1 space per unit, which is being maintained in the current S73 application. Cycle parking at 1 space per unit is also being provided as per the previous reserved matters approval. As such it is not considered that the proposal would raise any significant highway or parking considerations.

3.7 Environmental Screening

An Environmental Statement, the result of an EIA, was submitted with the outline application in August 2007. An Addendum to the ES was submitted in January 2008 containing supplementary environmental information. The ES and Addendum were subsequently approved with the Outline application. This Environmental Statement concluded that the positive environmental effects of the proposals would be considerable and that residual adverse effects would, at worst, be of minor significance.

An EIA Screening Request was submitted as part of one of the previous reserved matters application (H/02475/12) to determine whether a new EIA was required for changes to the masterplan. The screening request collectively screened all of the remaining character zones within the development, including the Church and Community Building which is the subject of this application and as such no further screening is required for the current application.

It is not considered that the current S73 application would result in any significant change in circumstances to warrant a revised Environmental Statement.

4. EQUALITIES 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.

Residents of the Stonegrove and Spur Road estates were involved in the preparation and design of the masterplan from the outset. Resident participation and engagement has been at the heart of the proposals and has been carried through each phase delivered to date.

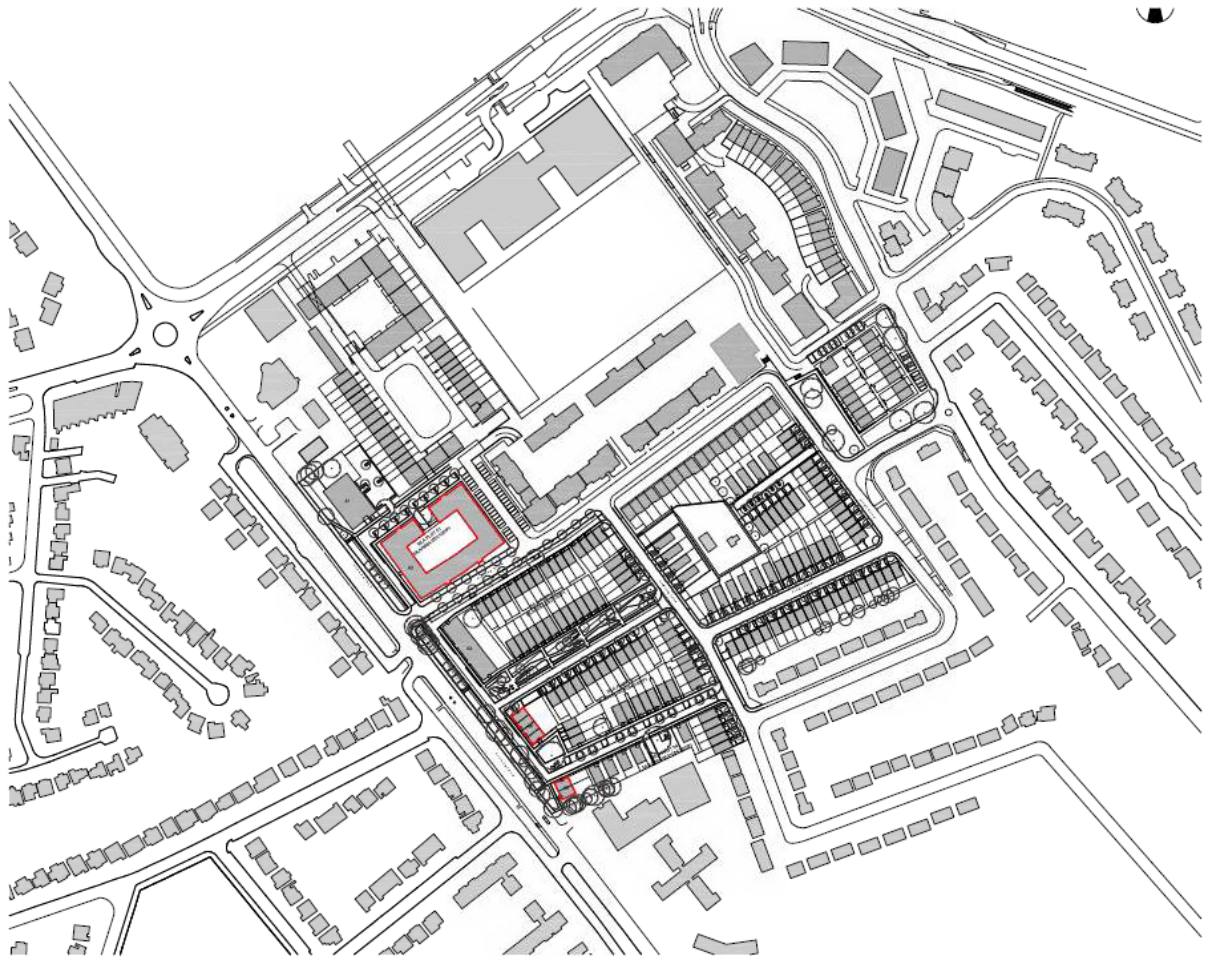
The proposals are considered to meet the requirements for establishing a high quality inclusive design, providing an environment which is accessible to all and which can be maintained over the lifetime of the development. It is considered by officers that the submission is acceptable with regard to equalities 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.

5. CONCLUSION

The application is made under S73 of the Town and country Planning Act seeking a minor material amendment to the approved reserved matters approval to allow for the changes outlined above. National Planning Practice Guidance (NPPG) advises that a minor material amendment *"is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."*

In this case it is not considered that the changes proposed would result in any significant change to the approved reserved matters scheme for this phase. The amendments proposed are considered acceptable in land use terms and do not raise any significant design, neighbouring amenity or highway implications. The proposed amendments generally and taken overall accords with the relevant development plan policies are considered acceptable. Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.

APPENDIX 1 – Site Location Plan



APPENDIX 2 – Character Zones

Masterplan with current Character Zone boundaries

