

Location **Land To The North Of Ridgeway The Ridgeway London NW7 1QU**

Reference: **18/6924/FUL** Received: 16th November 2018
Accepted: 20th November 2018

Ward: Mill Hill Expiry 15th January 2019

Applicant: Luke Winham

Proposal: Erection of 7no two storey self-contained flats for essential workers associated with Belmont Farm Childrens Nursery. Associated refuse/recycling store, vehicle charging points and parking

Recommendation: Refuse

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

- 1 The proposed scheme would result in a residential development within the Green Belt for which no justification appears to exist. The proposed scheme is therefore inappropriate development in the Green Belt, which would by definition be harmful, and which is not justified by 'very special circumstances'. The proposed scheme, by reason of its scale, design, siting and use, would have a great and substantial adverse impact on the openness and character of the Green Belt and rural landscape in this location harmful to the visual amenity of the area and openness of the Green Belt. This development would be contrary to the guidance contained within the National Planning Policy Framework, Policy DM15 of the Barnet Development Plan Policies Document, Policy CS7 of the Barnet Core Strategy and Policy 7.16 of the London Plan.

- 2 The proposed development, by reason of its overall scale, design, siting, massing, layout and residential paraphernalia, would have a detrimental impact on views looking north over the countryside and result in a loss of open space between existing built development which is harmful to the character and appearance of the Mill Hill Conservation Area. The proposal is detrimental of the character and appearance of this part of the Mill Hill Conservation Area, contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 and DM06 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016) and Mill Hill Conservation Area Appraisal Statement.

Informative(s):

- 1 The plans accompanying this application are:

Letter from Nursey Principal dated Monday 14th January 2019

Letter from Barnet head teachers on the issue of school funding dated 26th November 2018

Received 14 January 2019

Details of Bin and Dirty Storage Drawing No VR/JEAN/01/09

Proposed Southern and Northern Elevations Drawing No VR/JEAN/01/6 Rev B

Proposed Eastern and Western Elevations Drawing No VR/JEAN/01/7 Rev B

Proposed First Floor Plan Drawing No VR/JEAN/01/4 Rev B

Proposed Ground Floor Plan Drawing No VR/JEAN/01/3 Rev B

Proposed Site Layout and Access Plan Drawing No VR/JEAN/01/02 Rev A

Proposed Roof Plan Drawing No VR/JEAN/01/5 Rev B

Location Plan Drawing No VR/JEAN/01/01-2

Wider Location Plan VR/JEAN/01/01-1

Planning, Design and Access statement

Tree Constraints, Impact Assessment and Tree Protection Method Statement for residential re-development Reference 7th Nov 2018 -BJU/mmi

Tree Constraints Plan Drawing No JCTCP-OCT18

Tree Retention and Protection Plan Drawing No JCTRP-NOV18

Landscape Plan Drawing No VR/JEAN/01/08

Historic Environment Desk-Based Assessment Reference No 7200

Photomontage of Southern Aspect of site

Received 16 November 2018

- 2 In accordance with paragraphs 38-57 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

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

visit

for

Officer's Assessment

1. Site Description

The application site is located on the northern side of and adjacent to the The Ridgeway adjacent to residential uses including the now converted Littleberries. The proposed development is associated with Belmont Farm which is a 72ha children's city farm located in Mill Hill

The site previously formed part of the Littleberries Estate, a former convent and religious and education institution of the order of St Vincent de Paul. Historically, the site was occupied by Jeanette's; a storey detached dwelling which provided residential accommodation for 30 seminary sisters. The existing building on the site was demolished in 1928 and the land has been vacant ever since. The site is currently vacant with boundary treatments comprising of timber panels, a brick wall fronting the Ridgeway and perimeter trees.

The site lies within the Green Belt and is also constrained by its siting in the Mill Hill Conservation Area in close proximity to a number of Grade II listed buildings including Littleberries to the east. The site is also located within an Area of Special Archaeological Interest. While trees and boundary walls are present on the site, there are views across the valley towards Totteridge Lane.

2. Site History

Reference: H/02118/09

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 2 December 2009

Description: Demolition of the Laboure building, the play hall, annex classroom block, garages, garden buildings and a number of walls. (CONSERVATION AREA CONSENT)

Reference: H/02117/09

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 23 December 2009

Description: Conversion of the Main House (formerly Provincial House) and chapel to accommodate 8 residential units involving partial demolition, internal and external alterations, and extensions. (LISTED BUILDING CONSENT)

Reference: H/03543/09

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 23 December 2009

Description: Conversion of the Main House (formerly Provincial House) and chapel to accommodate 8 residential units involving partial demolition, alterations and extensions. Creation of additional car parking. Alterations and extensions to the West and East Lodges, the Croft, the Laundry and the School House and use of the resulting buildings as 5 dwelling houses. Erection of 4 semi-detached houses. Creation of basement car park accessed via St Vincent's Lane. Associated landscaping works.

Reference: H/02644/10

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 16 November 2010

Description: Variation of Conditions 21 (Landscaping - Details), 22 (Landscaping - Implementation) & 25 (Trees - Protective Fencing) pursuant to planning permission

H/03543/09 dated 23/12/09 to split the conditions into 2 (A & B) to refer separately to the former school site and main house site.

Reference: H/00050/11

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved

Decision Date: 14 January 2011

Description: New condition numbered 37 to be added to planning permission reference H/03543/09 dated 23.12.09.

Reference: H/00337/11

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 27 July 2011

Description: Variation of condition 37 of planning permission reference H/03543/09 to include the following minor material amendments to the 4 approved semi-detached houses: 1. Tile hung gables to the front elevation. 2. Hipped roofs to front dormers. 3. Canopies to the front doors on the front elevation.

Reference: H/02985/11

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 1 March 2012

Description: Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate 14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings).

Reference: H/01069/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 21 May 2012

Description: Non material amendment to previously approved planning application Ref: H/02985/11 dated: 01/03/2012 for "Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate 14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings)."

Reference: H/02043/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 4 July 2012

Description: Non material minor amendment to previously approved application reference H/02985/11 dated 01/03/2012 for 'Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate

14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings)'. Amendments to include reconfiguration of underground car park to include bike storage and enhanced ventilation for overall reduction of volume.

Reference: H/02089/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 1 October 2012

Description: Non-material minor amendments to planning permission reference H/02078/12 dated 01/10/12 for Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate 14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings). Amendments include, Omit village green pavilion; Relocation of bin store; Individual ASHP's; Pedestrian and emergency access on to St Vincent's lane mirrored; Change line of boundary wall between Laundry and Croft; Pedestrian access from St Vincent's Lane to Schoolhouse; Connecting path from mainhouse site; Realignment of the school site paths; Reconfigured plant areas.

Reference: H/02078/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 1 October 2012

Description: Variation of condition 42 (Sustainable Homes) of planning permission H/02985/11 dated 01/03/12 for, 'Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate 14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings).

Reference: H/02121/13

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 23 September 2013

Description: Removal of Conditions No.9 (Air Quality Assessment) and No.43 (Biomass System). Variation of Conditions No.1(Plan Numbers), No.10 (Extraction and Ventilation); No.15 (Materials) and No.18 (Details - Windows, doors, eaves, brickwork, chimneys, rooflights, metal balustrading, boiler flues, signage and external lighting) and No.22 (rainwater goods & soil vent pipes) of planning permission H/02985/11 dated 01/03/12. Variations to include: demolition and rebuild of The Croft, refurbishment and extension of West Lodge, and amendments to previously approved materials and samples.'

Reference: H/04231/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 30 September 2013

Description: Demolition of existing building. (Conservation Area Consent).

Reference: H/00747/14

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 9 April 2014

Description: Non-material amendment to planning permission H/02121/13 dated 23/09/13. Amendments to include alterations to internal layout, fenestration, balustrading and access stairs.

Reference: H/01102/14

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 29 August 2014

Description: Internal and external alterations.(LISTED BUILDING CONSENT).

Reference: H/00713/14

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 3 December 2014

Description: Internal and external alterations to building and alterations to provide separate living accommodation within the nave and chancel

Reference: 16/0844/LBC

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 19 May 2016

Description: Reconfiguration of interior layout within blocks B and C to create three additional self contained residential units and minor internal and external alterations.

Reference: 16/0827/S73

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 27 June 2016

Description: Variation to condition 1 (Plans) pursuant to planning permission H/02121/13 dated 23/09/2013 for "Removal of Conditions No.9 (Air Quality Assessment) and No.43 (Biomass System). Variation of Conditions No.1(Plan Numbers), No.10 (Extraction and Ventilation); No.15 (Materials) and No.18 (Details - Windows, doors, eaves, brickwork, chimneys, rooflights, metal balustrading, boiler flues, signage and external lighting) and No.22 (rainwater goods & soil vent pipes) of planning permission H/02985/11 dated 01/03/12. Variations to include: demolition and rebuild of The Croft, refurbishment and extension of West Lodge, and amendments to previously approved materials and samples." Variations include reconfiguration of interior layout within blocks B and C to create three additional self contained residential units and minor internal and external alterations.

Reference: 17/1982/FUL

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved following legal agreement

Decision Date: 05.12.2017

Description: Demolition of existing buildings and erection of single storey buildings to facilitate use as a children's nursery and associated changes to landscaping.

3. Proposal

The proposal is to construct a two storey building to accommodate 7 self-contained flats for essential workers associated with Belmont Farm Children's Nursery.

The proposed development is a two storey brick building with a front elevation facing The Ridgeway. The front elevation features three entrances. The building has an expansive front elevation with a significant return on its western side with the western wing being staggered back from the main elevation. The width of the building is 28 metres in total, with the western wing being 8.1 metres with a setback from the front elevation.

The building has a height of 5.9 metres to the eaves. The building has a pitched roof with a central ridge height of 7.9 metres. The roof is lowered at the west wing to 7.1 metres and east wing to 7.3 metres.

The building has a total depth of 11.8 metres although the majority of the building is only 8.9 metres in depth. To the rear, the west wing extends beyond the principal rear elevation with a flat roof.

The 7 apartments are 1 bed, 2 person units as follows:

Apartment 1 (Ground Floor): 51.9m²

Apartment 2 (First Floor) 51.8m²

Apartment 3 (Ground Floor): 58m²

Apartment 4 (Ground Floor) : 58.3m²

Apartment 5 (First Floor): 57.5m²

Apartment 6 (First Floor): 57.5m²

Apartment 7 (Ground and First Floor): 58.5m²

The materials shown in the design of the building are red brick, slate roof tiles and composite windows.

4. Public Consultation

Consultation letters were sent to 24 neighbouring properties.

14 responses have been received, comprising 13 letters of objection and 1 letter of comment. 1 response was made on behalf of the Mill Hill Preservation Society and 1 comment was received by the Hendon and District Archaeological Society.

The objections received can be summarised as follows:

- The existence of the former building on the site demolished 90 years ago cannot justify this proposed development.
- The large scale and design would represent a gross intensification in the Green Belt and a detrimental visual intrusion into the Conservation Area. The new access road to serve the development and loss of mature trees will also add to the intensification in the Green Belt. The development would obscure current views across Totteridge Valley from the Ridgeway.
- The design is poor and bears little relation to buildings nearby and would not enhance the conservation area.
- the justification for the development to house 'key workers' does not outweigh the harm.
- Access to the site is from a very narrow, dangerous road and will cause more congestion, particularly at school times.
- Concerned there would be no guarantee the flats would be reserved for nursery staff and could be sold off for private, residential use.
- There is insufficient justification for this proposal. There is extensive building going on at the NIMR site, Millbrook Park site and Littleberries. One bedroom flats are included in the NIMR site and Millbrook Park sites. Both are easily walkable to Belmont Farm Nursery which could easily purchase seven flats in these estates for use by their workers. Key worker status

should only apply to public employees and the nursery is privately owned. There is no consideration made of other sites where this housing could be implemented.

- The development will impact on neighbouring properties due to noise and disturbance.

The representation received can be summarised as follows:

- The Hendon and District Archaeological Society note the site is in an Archaeological Priority Area, where there seems to have been sixteenth century building demolished early last century. The society request an archaeological condition to be included in any permission.

Mill Hill Conservation Area Advisory Committee: Objects to the scheme.

- The house known as Jeanettes dates from the 17th century and formally stood at the western end of the 'Littleberries'. It was demolished in 1928 and the land on which it stood was zoned as green belt in the 1940s and became part of the Mill Hill Conservation Area in the 1960's. The committee refutes the assumption that the existence of the former building on the site demolished over 90 years ago justifies this development. It does not pass the accepted test for residential development in the Green Belt, namely that there are special and overriding reasons for erosion of the Green Belt which justify it.

- Does not accept that housing 'key' workers is a special and overriding reason.

- The proposed building is 30 metres in length and would be highly visible as seen from the Ridgeway. Further erosion of the green belt would result from associated driveways and parking provision.

- The building is of poor design, bears no resemblance to any nearby building and would do nothing to enhance the Conservation Area.

- Not persuaded that buildings to house key workers require doorways enclosed by classical columns.

- Likely this proposal will result in the block of flats being converted/demolished and a prestige house built in its place, justified by previous residential planning permission.

- The site is situated in an Archaeological Priority Area

Heritage and Urban Design Officer: Objection on impact to Mill Hill Conservation Area.

Highways: The proposal provides for parking and will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported.

Landscape Officer: No objection subject to conditions and amendments to the landscape scheme to achieve a better level of mitigation planting.

London Fire Brigade: The commissioner satisfied with the proposal following further information submitted.

A site notice was posted on the 29th November 2018.

The proposal was advertised in the Barnet press on the 29th November 2018.

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 24th July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM08, DM15, DM17.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Policy DM06 of the Council's Development Management Plan document deals with Barnet's heritage and conservation.

Policy DM06 states that the special architectural and historic interest as well as the character and appearance of conservation areas should be preserved and enhanced. Planning applications which fail to preserve or enhance the character or appearance of a heritage asset or conservation area will not be granted.

Policy DM15 refers to Green Belt and Metropolitan Open Land. Appropriate development in Green Belt or MOL include limited extensions to dwellings, replacement dwellings,

development for agriculture, horticulture, woodland, nature conservation, wildlife and essential facilities for outdoor sport and recreation and uses which complement and improve access to, and which preserve the openness and do not conflict with the objectives of the Green Belt or MOL. In line with Policy DM01: Protecting Barnet's Character and Amenity and Policy DM15: Green Belt and Open Spaces proposals should demonstrate their harmony with the surrounding countryside and impact on biodiversity.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Mill Hill Conservation Area Character Appraisal (adopted April 2008)

- This character appraisal assessment includes information to explain and justify the Conservation Area status. It forms a basis for planning decisions in the area and provides the groundwork for any future policies and projects to preserve or enhance the area.

The Mill Hill Conservation Area Character Appraisal Statement (adopted April 2008) identifies the history and historical context of the area and the justification for its designation as a conservation area.

(Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality and Conservation Area, and heritage assets in the vicinity.
- Whether harm would be caused to the character or openness of the Green Belt;
- Whether the dwellings would provide a suitable standard of accommodation;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on landscaping and trees
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the existing building, the street scene and wider locality and the character or appearance of the Mill Hill Conservation Area and heritage assets in the vicinity.

The Mill Hill Conservation Area consists of many institutional buildings and houses located within the environs of The Ridgeway, a historic linear route within a Green Belt countryside setting. The area contains a variety of building styles developed over a number of centuries, which help to give the area its distinctive character. Buildings within the Conservation Area include those from the arts and crafts traditions, of 19th century classical style and eighteenth century villas. The Conservation Area is characterised by large areas of open space which surround the individual buildings and provide significant breaks in-between the sites. There are many mature trees and established vegetation which contribute to the area's rural character.

The site lies within Area 3: (The Ridgeway) of the Mill Hill Conservation Area. It is adjacent to the Littleberries development site with the Grade II listed St Vincent's Convent and situated opposite the locally listed Ridgeway Methodist Church.

The Mill Hill Conservation Area Character Appraisal makes it clear that the elevated position and undulating land allows long range view down to the north over open countryside and that it is important that these views and vistas are maintained and enhanced. These views are indicated to be a key characteristic of area 3, contributing to the semi-rural character of the area. Any new development must respect the aesthetic sensitivities of the area.

The western area of the site, which is the subject of this proposed development, retains an open, rural character which is a feature of the wider conservation area and contributes to the spacious setting of Littleberries, a grade II listed building.

The building previously on the site was a property called "Jeanettes", which was demolished over 90 years ago in 1928. Since that time the area has been designated as both green belt and a conservation area and the site itself is now surrounded by statutorily listed and locally listed buildings. It is clear that this site, as part of the conservation area, has been long established as undeveloped land and its contribution to the townscape and built form is nil in respect of its architecture. Nevertheless, as a vacant site, it makes a contribution to the series of gaps and the overall rural character and feel of this part of London.

The applicant states that there is no harm caused by the development to the character and appearance of the Mill Hill Conservation. However, it is important to note that a distinctive part of the existing character of Mill Hill Conservation Area, as stated in the conservation area character appraisal, is that there are important open spaces and views from the public realm, between pockets of built development. Additional built development on these open spaces would create a continuous ribbon of development which would destroy these views across the valleys and would be harmful to the character of the Conservation Area and the openness that one experiences from the public realm.

In regard to the proposed design, the submitted drawings show insufficient detail to fully appreciate the proposal or the impact of the development on views across the valley, or any streetscene plans to place the development in context with its immediate neighbours.

The proposal bears little resemblance in appearance to "Jeanette's" which was a rendered dwelling, with dormer windows, significant chimneys and which does appear from the historic OS maps provided by the applicant, particularly the OS map from 1866, to have a smaller footprint, be almost a third of the proposed width smaller and set significantly further back into the site than the proposed development. No comparison overlays have been provided by the applicant to demonstrate the relationship between the two properties.

From the OS maps supplied in the applicant's submissions, it does appear that the former "Jeanettes" had been much altered over the years, leading to the property as seen in the applicant's submitted historic photographs. Unlike the now demolished 'Jeanettes' the proposed development has a significant return on its western side with the western wing staggered back from the main elevation and a flat roofed extension to its rear. The design also appears significantly wider on the plot than "Jeanettes". Furthermore, a large part of the surrounding landscape is now given over to a significant area of hard standing for 6 cars, in close proximity to the main road, which would be an uncharacteristic form of landscaping not usually found on nearby residential properties in the conservation area.

In light of the above, it is felt that the proposed development cannot be considered as a "replacement" building for a long demolished building. Also in terms of overall scale,

massing, landscape, layout, access to the new development, the impact on views looking north over the countryside which would be lost and the loss of open spaces between existing built development, harm is caused to the character and appearance of the conservation area.

It is noted that the LPA have previously given permission for the demolition of the existing outbuildings on site, to be replaced with new single storey outbuildings that were for the ancillary use of the Littleberries development. The proposal is not directly comparable to the garages approved and the impact of the approved garages is much less than the current scheme. Principally, the proposal is for a much larger building of 2 storeys rather than single storey and is located further forward on the site, with increased visibility from the Ridgeway. The scheme would be conspicuous from the road and would be higher and bulkier than the approved garage development. This would inevitably reduce the openness of the site.

Furthermore, the grant of permission for a development of garages on the site is not justification for the proposed scheme; being of very different material character and use. The proposed building of seven flats would be a different use and would result in separate planning units with no relation to the main Littleberries building whereas the garages were considered to be ancillary to the main Littleberries building.

The proposal would not be acceptable against Local Plan policy DM06, which requires development to preserve or enhance the character and appearance of a Conservation Area.

The importance of carefully considering development proposals within the Conservation Area is recognised in the Conservation Area Character Appraisal Statement, which identifies some of the principal negative features of the Conservation Area, which include 'on-going pressure for rationalisation of large site and pressure for development within'. It continues, 'there is great pressure to convert the buildings and (often for residential use) and construct further development within the grounds. This could damage the spacious and open character of these grand buildings and their settings. Sensitive control for the re-use of buildings and sites is required to safeguard the character of the conservation area.'

Therefore, the proposed development would result in considerable harm to the character and appearance of the Mill Hill conservation area.

The materials indicated on the plans are red brick for the facades, slate roof tiles for the roof and composite windows. The indicative materials are considered acceptable for the area however should this application be recommended for approval, the specific details for the materials would be conditioned.

- The principle of development within the Green Belt and whether harm would be caused to the character or openness of the Green Belt;

As aforementioned, the application site is wholly sited within the Green Belt. Consequently, a key consideration is the principle of development within the Green Belt.

Section 13 of the National Planning Policy Framework (NPPF) sets out the Governments approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 134 that the Green Belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by

encouraging the recycling of derelict and other urban land. In addition, the NPPF outlines in Paragraph 145 that new buildings in the Green Belt are inappropriate, with the exception of (in part) a limited number of scenarios to this general approach.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

Barnet Local Policy DM15 is as follows:

Policy DM15: Green Belt and open spaces Green Belt/Metropolitan Open Land

- i. Development proposals in Green Belt are required to comply with the NPPF (paras 79 to 92). In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
- ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.
- iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:
 - a. Agriculture, horticulture and woodland;
 - b. Nature conservation and wildlife use; or
 - c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
- v. The replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL.

While historically the site was occupied with a building known as Jeanette's and formed part of the Littleberries estate, since circa 1928 the site has been vacant and forms part of the open grounds of the Grade II listed Littleberries building. The site was included in the Green Belt in the 1940s. Therefore since the creation of the Green Belt, this site has been undeveloped and has contributed significantly to the purpose and objective of the Green Belt to maintain openness and limit sprawl. Policy DM15 ii) states that 'Except in very special circumstances, the council will refuse any development in the Green Belt or Metropolitan

Open Land (MOL) which is not compatible with their purposes and objectives and does not maintain their openness'.

The applicants statement considers the development would not be inappropriate for the Green Belt by virtue of the proposed unit replacing a former building known as Jeanette's. The history of the site would indicate the site has been used for residential development in built form between 1602 and 1928. Jeanette's was demolished in 1928 and the site has been vacant for 90 years. Since that time the area has been designated as both green belt and a conservation area and the site itself is now surrounded by statutorily listed and locally listed buildings. It is thus clear that this site, as part of the conservation area, has been long established as undeveloped land.

Furthermore, there are policies and legislation that have been in force since the demolition of "Jeanettes" to protect the character of both the Green Belt and conservation area and it is considered that these protect the current vacant use of the property rather than a former historic use which existed before these designations.

The applicant's statement contends that the proposed dwelling would not be materially larger than the one it replaces and being in the same use, would reinstate the appropriate and traditional built character within the site. Due to the long absence of any built form on the site, the Council does not consider the former 'Jeanettes' building which has not existed for 90 years, would justify a 'replacement' dwelling under (d). In addition, due to the existing building being no longer in situ, it is difficult to assess the true scale of the former and proposed buildings and in relation to surrounding boundaries and plot boundaries, which have changed over 90 years.

Turning to point (g) of paragraph 145 of the National Planning Framework, this may be applied in examples of 'a partial or complete redevelopment of previously developed land, whether redundant or in continuing use...which would

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

The Council do not agree with the reference to the site being a 'brownfield' site or that the site can be considered a previously developed site. The site has been perceived to be a vacant 'greenfield' site for the last 90 years. Despite this, the applicant has made a case which the Local Planning Authority must assess.

In regards to the first point, the Council contend the former Jeanettes building cannot be considered an 'existing development' and that the reliance on historical imagery to indicate the original footprint and scale of the building is difficult. The proposal bears little resemblance in appearance to "Jeanette's" which was a rendered dwelling, with dormer windows, significant chimneys and which does appear from the historic OS maps provided by the applicant, particularly the OS map from 1866, to have a smaller footprint, be almost a third of the proposed width and set significantly further back into the site than the proposed development. No comparison overlays have been provided by the applicant to demonstrate the relationship between the two properties. The proposal is considered to clearly harm the openness of the green belt, being that this site has been an open, undeveloped site for the last 90 years and through which, views to the open countryside are obtained. The proposed development is not considered to be meet the requirements of this part of (g).

The second part of (g) requires the development to not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

The applicant has referred to the proposal as housing for essential workers associated with Belmont Children's Nursery. The seven 1 bedroom units are designed exclusively for use by the essential case and early years education staff associated with Belmont Farm's Children's Nursery. The applicant considers the success of the nursery is dependent on attracting and retaining talented and committed staff and that the provision of on-site accommodation opens up roles to those who may not otherwise be able to afford to live in the area.

The applicant has suggested a condition could be included with the permission to ensure that the accommodation is used exclusively for staff of the nursery. Should the application be recommended for approval, a condition to this effect would be necessary.

While this is a recognised challenge for the Nursery, it is not unique to the nursery and indeed is likely a challenge facing a number of schools and nursery premises and businesses in the Borough. The application has not provided evidence of any assessment for other available sites to house workers. There is known residential development occurring in the area including smaller units as sought in this application. There should be consideration of providing the housing within established brownfield sites. There is also little evidence provided of the rental prices in the area. Other than providing on-site accommodation, there is also no assessment of other means of providing for staff to travel to work, such as discounts for travel or shuttle buses or higher remuneration rates. The applicant has not demonstrated the proposal meets the test of 'very special circumstances' or that the accommodation is an essential facility for Belmont Farm Children's Nursery.

Nevertheless, for such proposal not to be inappropriate development in these cases, it must not cause substantial harm to the openness of the Green Belt. There has been no development on this site since its inclusion in the Green Belt. Paragraph 134 of the Framework sets out the five purposes for including land within the Green Belt. Two of these; checking unrestricted urban sprawl and assisting in safeguarding the countryside from encroachment, are particularly relevant in this case. At present, the site retains an open, rural character which is a feature of the wider conservation area and contributes to the spacious setting of Littleberries, a grade II listed building. The elevated position and undulating land allows long range view down to the north over open countryside and that it is important that these views and vistas are maintained and enhanced. The proposed development would be visible from the Ridgeway, appearing to extend the ribbon of development along the road and restricting views down into the countryside. This would not only be an encroachment into the countryside but would also add to the perception of urban sprawl in this locality. The proposal is considered to result in substantial harm to the openness of the Green Belt.

Likewise, Barnet Policy recognises that essential facilities may be required in the Green Belt but qualifies that their development must not have an adverse impact on the openness of the Green Belt. Policy DM15, Point iii) states that 'the construction of new buildings within the Green Belt or Metropolitan open Lane, unless there are very special circumstances, will be inappropriate, except for the following purposes: c. essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.' Given the substantial and demonstrable harm this development would have

on the openness and character of the Green Belt, the proposal is considered inappropriate development.

The applicant considers the proposal would meet the requirements of 'very special circumstances'. Paragraph 144 of the NPPF outlines that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. For the reasons outlined above, the benefits of housing workers associated with Belmont Farm Children's Nursery is not considered to outweigh the harm this proposal would cause to the Green Belt.

The proposal would be considered contrary to DM15 and the NPPF as for the reasons outlined above, there is established harm to the openness of the green Belt. The Council's Policy DM15 states that replacement of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL. By reason of inappropriateness, the harm to the green belt is not outweighed by other considerations and that the proposal cannot be considered an exception to this policy.

Given the abovementioned matters, it is considered the development is inappropriate development which by definition is harmful to the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy 7.16 of The London Plan 2016 and paragraphs 133-147 of the National Planning Policy Framework Published 2018.

- Whether the proposal would provide a suitable level of accommodation for future occupiers.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. A 1 bed, 2 person unit requires 50sqm internal floor space or 58sqm for a duplex unit. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm. The proposed flats would all comply with the minimum space standards as stipulated in the London Plan (Minor Alterations 2016) and supporting Council SPDs; in this regard the development is acceptable.

All proposed residential development should provide suitable outlook and daylight for future units. All units would generally benefit from suitable outlook being dual aspect to the south and north.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. The proposal shows a rear garden space of 105sqm with seating shown. The garden appears to be communal for the seven units. The landscaping plan shows areas of paving and planting to the rear which may act to informally indicate private spaces outside units. Should this application be considered for approval, a condition requiring further details of the landscaping and garden layout would be recommended to determine where screening may be necessary. This is to ensure the ground floor units have some privacy to their rear windows from the communal garden. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent

amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision.

The units are considered to provide a suitable standard of accommodation for the future occupiers.

- Whether harm would be caused to the living conditions of neighbouring residents.

The site is located between two residential properties; West Lodge and Littleberries to the east and Northcote House to the west.

The proposed building will be built closest to the east boundary. The proposed building is some distance from the main Littleberries building which is currently under conversion to form residential accommodation. West Lodge is the nearest building to the site which is currently vacant. There is approximately 5 metres from the side elevation of the Lodge and the side elevation of the proposed building. There are 2 ground floor windows in the side elevation facing the Lodge which will serve the staircase and a kitchen. At first floor, there is one first floor window proposed for apartment 7 which will serve a staircase. Given the first floor window would not serve a habitable room, this is not considered to give rise to any likely overlooking.

The side elevation of the building will be 20 metres from the boundary of the site to the West. Windows in this side elevation will comply with residential design guidance for distances from windows to neighbouring boundaries and there is no impact of overlooking in this regard. The distance to the west boundary and neighbouring Northcote House is such that there would be no impact on this neighbouring occupier.

- Impact on landscaping and trees

The site is wholly subject to a Tree Preservation Order. As such is expected and mandated by adopted policy DM01 that trees protected by such an Order should be safeguarded, especially where they serve an amenity function.

The Council's Landscape officer has been consulted on the scheme and provided advice.

The site is visible from The Ridgeway; a busy main road that services schools and residential properties. The submitted plans for a new building to accommodate 7 flats will require 7 trees to be removed from the site. Of these trees, 5 of these are alongside the road and very prominent on the street. These trees would have been present at the time the TPO was made and therefore protected under TPO/CA/384/A1.

The submitted arboricultural report values these trees as low or unsuitable apart from T39 (applicant's plan) an established beech tree. The loss of T39 is the most significant and least acceptable. Trees shown on the applicant's plan T39, T40, T41, T42, T43, T44 and T89 will be removed to accommodate the development.

In landscape terms, the impact of the scheme will affect the openness of the site and increase the developed footprint out from Littleberries which is detrimental to the character of the area.

The scheme seeks to offset the loss of these protected trees with 19 new trees at size 12/14cm girth and include common beech, oak, alder and hornbeam. The general scheme is acceptable apart from the 5 trees proposed along the street side *Pyrus calleryana* 'Chanticleer' at 12/14cm girth. These trees have a compact crown size and would not match the size of existing trees. Therefore failing to provide the same level of screening and amenity value as the existing trees

The Landscape officer suggests common pear '*Pyrus communis*' on a Quince BA29 rootstock (large growing rootstock) should be planted at 25/30cm girth. This would provide more immediate mitigation to the loss of protected trees and long term visual amenity. *Pyrus communis* is a species that has naturalised in the UK.

If the application was recommended for approval, landscaping conditions would be recommended including a revised landscaping plan to incorporate a greater level of replacement planting as outlined above.

- Whether harm would be caused to Highway safety;

Highways officers were consulted on the proposal. The above application is for the construction of seven key worker flats for use by the adjoining nursery/farm/ riding school.

The PTAL is 1b (poor) with bus the only public transport mode available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there one likely to be in place by the time the development is occupied.

Seven car parking spaces have been provided which will cater for the users of the development. Typically key worker car ownership is less than average, so it is not expected that there will be any over spill parking by the development.

The development provides cycle parking in line with London Plan stated minimum cycle parking levels (7spaces). Cycle stores are located conveniently and are secure/ weather proof.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported;

- o Cycle parking is in line with London Plan minimum standards

- o Refuse stores have been provided within a close proximity to the highway.

- o Over spill parking by the proposed development will be minimal as an off street parking spaces have been proposed

5.4 Response to Public Consultation

Addressed in the main body of the report.

Concerns raised about the future use of the building are noted but the proposal is based on the accommodation being used exclusively as worker accommodation. In the event of an approval, the permission would be conditioned to be used solely for the workers of Belmont Farm. The Local Planning Authority cannot speculate on what the applicant may intend to use the site for in the future.

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 application is recommended for REFUSAL.

