

Location **Jeanettes Land North Of The Ridgeway Barnet NW7 1EL**

Reference: **22/0650/FUL** Received: 8th February 2022
Accepted: 8th February 2022

Ward: Mill Hill Expiry: 5th April 2022

Case Officer: **Dominic Duffin**

Applicant: Luke Winham

Proposal: Erection of a single storey building with rooms in the roofspace to provide 7no dwellings. Associated cycle, refuse and recycling space. Provision of off street parking and amenity space

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed development, by reason of its overall scale, massing, design, siting, layout and associated residential paraphernalia, would result in an incongruous and unsympathetic addition and constitute an inappropriate form of development which would harm the openness of and encroach upon the rural character of the Green Belt. Very special circumstances such as to outweigh the harm caused to the Green Belt by reason of inappropriateness or any other harm identified has not been demonstrated. As such, the proposal would have an unacceptable impact on the aims and purpose of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM15 of the Local Plan (Development Management Policies) DPD (2012), Policy G2 of The London Plan (2021) and Section 13 of the National Planning Policy Framework (2021)

- 2 The proposed development, by reason of its overall scale, massing, design, siting, layout and associated residential paraphernalia, would result in a loss of open space between existing built development and views north across Totteridge Valley, which forms part of the established pattern of development and thereby fail to preserve or enhance the character and appearance of this part of the designated 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), the Adopted Residential Design Guidance SPD (2016) and Mill Hill Conservation Area Appraisal Statement, Policies D3 and HC1 of the London Plan (2021), and contrary to the duty imposed on Local Authorities by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Informative(s):

- 1 The plans accompanying this application are:

Location Plan - VR/JEAN/01/01-2
Proposed Bike storage/Site Plan - 2511 05 Rev B
Proposed Ground and First Floor - 2511 01 Rev D
Proposed Elevations - 2511 02 Rev A
Proposed GIA - 2511 03
Proposed Roof Plan Proposed Site Section - 2511 04 Rev B
Landscape Scheme - VR/JEAN/01/08
Bin Storage - VR/JEAN/01/09
Tree Constraints Plan - JCTCP-OCT-18
Tree Retention and Protection Plan - JCTRP-NOV-18

- 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 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 sought formal pre-application advice which was provided. Unfortunately the submitted 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:

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

Notwithstanding the weight of objections, this application was also called to the Committee by Cllr Hart for the following reason:

"May I request that the above planning application be called in for consideration in my name by the planning committee as it involves a considerable building on the footprint of a former property known as Jeannettes located within the Green Belt off the Ridgeway in Mill Hill"

Having stood down at the intervening election in May 2022, the call-in request was subsequently taken up by Cllr Duschinsky for the same reason

1. Site Description

The application site is located on the northern side of, and adjacent to, the Ridgeway. The site is adjacent to residential uses, including the now converted Littleberries Convent, now named Rosary Manor. The proposed development has been linked with Belmont Farm, which is a children's city farm and nursery located in Mill Hill, further along the Ridgeway.

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, with associated Lodge building to the front. Historically, the site was occupied by Jeanette's; a 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. Two blocks of garages for 10 cars to serve the Littleberries conversion scheme, have been built adjacent to the north of the site. Rising ground to the south allows views into and across the site, and some glimpses of the open landscape beyond.

The site lies within the Green Belt and is also constrained by its siting in the Mill Hill Conservation Area, it is 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. The land is subject to a site-wide Tree Preservation Order (TPO)

The site is accessed from The Ridgeway through Littleberries and the shared gated entrance at the west. The site has a PTAL rating of 1b.

2. Site History

Jeanettes

Reference: 18/6924/FUL

Address: Land to the north of The Ridgeway, The Ridgeway, Mill Hill, London NW7 1QU

Decision: Refused

Decision Date: 21 February 2019

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

Reasons for refusal:

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.

Appeal determination -

Appeal ref: APP/N5090/W/19/3229362

Decision: Dismissed

Decision Date: 08 October 2019

Littleberries

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/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/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: 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: 20/2128/FUL

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

Decision: Approved subject to conditions

Decision Date: 27 October 2020

Description: Addition of concierge accommodation storage to existing garages

Belmont Farm

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.

Reference: 20/2807/PNO

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

Decision: Prior Approval Required and Refused

Decision Date: 28 August 2020

Description: Change of use from office to dwelling

Reference: 21/1520/FUL

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

Decision: Pending consideration

Decision Date: N/A

Description: Change of use of part of ground floor into Children's Day Nursery Class E(f)

3. Proposal

This is a revised submission following the refusal of application 18/6924/FUL. Once again 7no. units, to provide dwellings for key workers at Belmont Farm Children's Nursery, are proposed.

The proposal has been reduced from the previous two storey building with hipped roof, to a two-storey building which includes the first floor accommodated within the roof of the proposed building. The building would be to a total height of 6.4m, with a hipped roof and front and rear dormer windows.

The front elevation features two entrances, with gable features above. 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 total depth of 9.0 metres, with the west wing section 8.3 metres deep.

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

7 studio apartments are proposed.

Access would be through Littleberries, through an existing gated entrance and entering the site from the north. 7 parking spaces would be provided with ancillary facilities - waste/recycling storage, cycle storage, with an area of communal amenity provided between the existing garages and proposed building.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.

A site notice was posted on the 11th February 2022.

The proposal was advertised in the Barnet press on the 17th February 2022.

28 responses have been received, comprising 24 letters of objection. 1 response was made on behalf of the Mill Hill Preservation Society and 1 by the Mill Hill Conservation Area Advisory Committee. 4 letters of support have been received.

The letters of support, which all state they are from employees of Belmont Nursery, can be summarised as follows:

- Support this application for staff housing for the Belmont Farm Nursery School.
- I am a nursery teacher at Belmont Nursery School and finding local accommodation is extremely difficult.
- Whilst there are plenty of new flats in the area, none of these are affordable and I have a long commute to reach the nursery.
- To have affordable accommodation linked to the nursery within a short walk of it would be beneficial.
- I am a nursery practitioner currently working for Belmont farm nursery. I am looking at flats within the area to make my commute more easy to work. However with no luck as the prices are too high.

The objections received can be summarised as follows:

- The development would have an unacceptable impact on aims and purposes of Green Belt and fail to enhance the character and appearance of Mill Hill Conservation Area. It would therefore cause harm to the openness of the Green Belt.
- The proposal would not preserve or enhance the character or appearance of the conservation area and the harm to its significance, whilst 'less than substantial', this harm would not be outweighed by any public benefits that may arise from the affordable nature of the scheme.

- No local plan policy support for limited affordable housing schemes in the Green Belt.
- The nursery has existed for the past 17 years without the needs as set out in applicants report. There is also no evidence to suggest recruitment/staff retention is an issue for the nursery and/or if there is a link between recruitment/retention and the need for 7 flats.
- Increased traffic , harmful to schools in area and hazard to vehicles parked with Rosary Manor Noise and tranquillity in area. The site entrance on to the Ridgeway is dangerous and unsighted.
- Impact on views of the countryside. Additionally, the building of further property will block and mar the outstanding natural views which Mill Hill/Totteridge is famous for. A building in this location will negatively impact one of the last few historic views across Totteridge Valley from The Ridgeway in Mill Hill Village. This lovely site is located in one of the last unspoilt natural spots in the heart of the village, enjoyed by many people, some who travel here specifically to enjoy Angel Pond situated very close by.
- Proposal will block one of the two remaining views of the Totteridge Valley from the Ridgeway
- There is more than enough accommodation nearby
- Noise and disturbance during construction phase.
- I feel it very hard to believe that the proposed developer would build such a building for essential workers. I believe the same developer also tried to get planning permission for a similar development in St Vincent's Lane.
- Application has recently been rejected following a comprehensive assessment and the new plans offer nothing further to support it.
- Concern about use on the "in" section of the Littleberries in/out accesses will cause highway safety issues, and there is no right for refuse vehicles to enter the site and so it would not be possible for the development to deal with household waste/recycling.

Mill Hill Preservation Society: Objects to the scheme:

- The garages were construction on the site of a former greenhouse and store and were reduced in scale during the course of the original application to reflect the Green Belt location of the site.
- The site of the current proposed scheme is on an area notated as 'Great Lawn' within the original application and takes away one of the amenities that made the original scheme so attractive. MHPS consider this application to be to be trying to benefit from the acceptable development of garages in this location and the removal of landscape amenity space associated with that development, to its detriment.
- The argument being presented by the Applicant appears incoherent. The VSC Statement addresses matters associated with affordable housing delivery, but it is understood that this proposal is not proposed to deliver generic affordable housing, but housing associated with employees of the nearby Belmont Farm Nursery.
 - Whilst acknowledged that the council has not met affordable housing needs locally, there is no evidence of need for affordable housing in Mill Hill specifically.
 - No clear evidence has been presented to demonstrate a need for these units in association with Belmont Farm Nursery
 - The Applicant states that the properties will be affordable and the Unilateral Undertaking (UU) allows for 75% of market rent to be the maximum that can be charged, however, the Applicant does not then compare this to the salaries of the employees. These units are unlikely to be affordable for their target audience and once built it is likely an application to lift the restriction would be forthcoming.
 - Whilst the built form has tried, poorly in our opinion, to reflect the Alms-houses on Milesplit Hill, it fails to achieve its aim. The Alms-houses are simple and unassuming, single storey in form and with an even balance of windows, doors and chimneys.

- The Conservation Area Appraisal notes the need to avoid or exacerbate the corridor effect. This proposal only serves to undermine that specific aim. This proposal will exacerbate the linear nature of the area and remove one of the key visual breaks between the built form.

Hendon and District Archaeological Society - The very full Historic Environment Desk-based Assessment provided by Oxford Archaeology indicates the site has the potential to contain archaeological remains of interest and significance, and envisages that an archaeological condition (agreed with Historic England's Greater London Archaeological Advisory Service) would be imposed on approval with a view to clarifying the nature, significance and survival of archaeological remains and informing a mitigation strategy. HADAS asks therefore that if the Council grants consent is an archaeological condition should be attached.

Mill Hill Conservation Area Advisory Committee: objects to this application:

No evidence is presented that suggests there is an overwhelming need for affordable housing in Mill Hill specifically.

No clear evidence has been presented to demonstrate a need for these units and furthermore, the Applicant has failed to demonstrate why this site is the most preferable and has failed to demonstrate that there are no other sites more suitable for the proposed development that would have a lesser, or no impact, on the openness of the Green Belt or the character and appearance of the Conservation Area.

In 2019 the Inspector concluded that this was a historic open space benefiting from unobstructed views to the landscape beyond, therefore considered it was of significant amenity value. Additionally, the Conservation Area Appraisal notes the need to avoid or exacerbate the corridor effect along The Ridgeway. This proposal will exacerbate the linear nature of the area and remove one of the key visual breaks between the built form.

The tree survey by B J Unwin Forestry Consultancy dated 2018 we note is out of date for the current application. Trees T39, T40, T42, T43, and T89 will be lost and we believe this is unacceptable.

The Applicant has failed to provide any information in respect of Biodiversity Net Gain.

Greater London Archaeological Advisory Service (GLAAS) - recommend that an archaeological condition be applied which requires, in the first instance an archaeological evaluation followed by a second stage of mitigation. The mitigation scope would depend on the results of the evaluation.

Heritage and Urban Design Officer: Objection.

The proposal is harmful to the character and appearance of the Mill Hill Conservation Area, inappropriate development within the green belt and is recommended for refusal. 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.

There is also no assurance that workers will necessarily want to live in the properties and that eventually, if left unoccupied, the applicant would seek to place them for sale on the open market, an outcome which would be unacceptable to the LPA. It is important to note that a distinctive part of the existing character of Mill Hill Conservation Area, as stated previously, is that there are 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 CA and the openness that one experiences from the public realm.

The proposal bears little resemblance in appearance to "Jeanette's" which was rendered, with dormer windows, significant chimneys. 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. The design also appears significantly wider on the plot than "Jeanettes". Furthermore, a large part of the surrounding landscape is now given over to hard standing for 6 cars, again an uncharacteristic feature not usually found on residential properties in the area. The proposal is for flatted apartments, a type of development which is not a characteristic feature of this part of the conservation area, where most residential properties are single dwelling houses.

Highways: Recommended for approval subject to conditions.

Environmental Health: No objection subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was revised in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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:

- Planning History/Previous appeal determination
- Whether harm would be caused to the character or openness of the Green Belt;
- 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 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

Planning History/Previous appeal determination

As detailed above, there has been recent planning history at the site for a similar scheme (18/6924/FUL) to provide 7no residential units for employees at Belmont Farm Nursery. The council refused consent, citing concerns relating to impact on the Green Belt and Conservation Area, and that there were no very special circumstances or mitigating considerations to justify the proposal.

The refused application was appealed to the Planning Inspectorate, and the appeal was dismissed.

The Inspector considered there would be substantial harm to the open character of the Green Belt, and harm to the special setting of the conservation area, and that the harm was not outweighed by any special circumstances, or benefits that the scheme would provide.

The Inspector dismissed the argument that the site constituted Previously Developed Land, and also discussed the case for affordable housing provision, and how that might offset the scheme impacts.

This application has been altered in terms of its design, in an attempt to address some of the concerns upheld at appeal, and the Appeal Decision is a material consideration of some weight. The discussions and conclusions at appeal are relevant to the analysis of this application, and will be referred to, as appropriate, for the remainder of this report.

Whether harm would be caused to the character or openness of the Green Belt

The application site is wholly 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 Government's 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 138 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 149 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 states 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.

The applicant had initially made the case that the proposal was appropriate in Green Belt terms, as it related to the replacement of the dwelling known as Jeanettes, but this position was abandoned at appeal, and the applicant instead made a case that the site constituted previously developed land (PDL), such to benefit from para. 149 (g). However, following detailed submissions at appeal the Inspector concluded that the site did not constitute PDL. Therefore, the policy allowance under 149 (g) is not engaged.

Under this submission the applicant makes a case that the scheme would provide, as per 149 (f), "limited affordable housing for local community needs under policies set out in the development plan".

The applicant states that neither the existing nor emerging Barnet Local Plan provides policy to address 149 (f). On that basis, there would be no grounds for the application to benefit from the exemption - which explicitly requires the proposal to be brought forward under policies set out in the Plan.

However, the Development Plan does have policy relating to the provision of affordable housing. Policies H1, H2, H4, H5 and G2 of the London Plan (2021), Policies CS1 (growth strategy), CS4 (quality home and choice) and CS7 (protecting open spaces) of the Core Strategy DPD and Policy DM08, DM10 and DM15 of the Development Management Policies DPD provide appropriate guidance for the provision of affordable housing and the Green Belt.

It is evident that under policies CS1, CS4 and DM10 the council has placed importance on the delivery of affordable housing, much of this, as to be expected within a London Borough, on large scale regeneration sites, and sites providing 10 or more units. Under emerging policy HOU01 the council will seek a minimum of 35% affordable housing from all developments of 10 or more dwellings - in line with the provisions in Policy H5 of the London Plan (2021).

These policies are therefore of no utility to the Applicant.

However, Policy H4 provides that Boroughs may also require affordable housing contributions from minor housing development in accordance with Policy H2. In turn, H2 provides that *Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:*

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilders
- 4) support those wishing to bring forward custom, self-build and community led housing

5) achieve the minimum targets for small sites...as a component of the overall housing targets

The current proposal though, does not represent a significant increase in the contribution of small sites to meeting the housing need, or represent a necessary contribution to achieving the minimum targets for small sites - and the LPA has a demonstrable plan for housing supply. It does not support small and medium-sized housebuilders or represent custom, self-build, or community led housing (with regard to the definition in the London Plan).

Whilst it might be argued that the proposal would 'diversify the sources, locations, type and mix of housing supply' - in as much as concentrations of studio units are not prevalent in this location - Policy DM08 makes it clear that the priority for affordable units is 3 and 4 bedroom houses, whilst the emerging plan cites a priority for 2 and 3 bed units.

Existing and emerging policy therefore provides policy to bring forward affordable housing units to address identified local needs. This does not include a policy to specifically bring forward or exclude units on Green Belt sites and such applications should be judged on their merits.

Nonetheless - notwithstanding the broader assessment of the development in policy terms (as outlined below) - this scheme is inappropriate development in the Green Belt, and therefore a case for very special circumstances is required.

The applicant has put forward a case for very special circumstances, this is broadly centred around the need for affordable units locally. This is discussed below.

In terms of need, the applicant outlines a need locally for continued provision of housing and affordable housing to meet the accommodation requirements of borough residents. The most recent Barnet Authorities Monitoring Report demonstrates the council can demonstrate a 5-year supply of housing. Of the 1,638 completions in 19/20, 286 or 17%, were affordable homes. Local Plan policy DM04 has a target of 40% affordable homes on qualifying sites of 10 units or more. It is accepted that often issues of viability can stifle the policy provision of affordable housing, but figures suggest an ongoing need for affordable units.

The council's emerging plan states "The delivery of affordable housing has never been more important and in greater demand" one reason being "The increasing affordability gap as housing costs continue to rise faster than household incomes".

Third party representations have stated that there is nothing to link borough wide need to the Mill Hill area, or the locale of the site. However, equally there is nothing to suggest that new affordable homes developed locally would not meet a need, particularly if an identified local link was evidenced. It is considered there is an ongoing need for affordable units within the Borough, and whilst not specific to Mill Hill, that this need would also relate to Mill Hill. Representations also state the provision of units would meet a specific as opposed to generic need, but again, with no clear local link as per Para 149(f).

The applicant states that the proposed units would be developed to provide housing for employees of Belmont Farm Nursery, located to the east along the Ridgeway. The submission provides details of average wages of employees of this sector, average local rental values and as such their struggle to acquire local market housing. At present Belmont Children's Farm employs over 40 members of staff. The submitted statement

outlines that "The provision of key worker housing will allow a number of present and future staff to live affordably and remain in the local area within high-quality onsite accommodation. This will alleviate existing pressures on staff to find suitable accommodation whilst opening up employment opportunities to a wider pool of people for whom it would have previously not been viable to live and work in this location".

It is unknown if potential occupants currently live locally (though this is presumed not to be the case on the basis of the premise for the VSC case), or would move to the area should this scheme come forward. Verbatim emails of support have been received purporting to come from employees, stating that the employees (x4) currently face a long commute to the nursery. The local tie would therefore be employment at Belmont Farm Nursery. Given the need to ensure that current and future employees would want to occupy the units, in connection to their work, this local link is relatively tenuous. Furthermore, given the submission refers to the proposed expansion of the nursery it does not seem recruitment is a significant concern.

Any case for affordable units would need to ensure the units were genuinely affordable and would remain affordable in perpetuity. Given the draft s106 proposes a limit of 75% of local rents, and comparing this with average salaries, affordability may still be an issue. There is also a need to ensure that if employees did not want to avail of the units, they would still remain as affordable housing units, and that there would not be pressure to remove this restriction. The applicant advises any legal agreement could include an obligation that if the units were not occupied by staff, then they would be made available to local teachers, but again it appears difficult to provide a mechanism through this approach, to ensure the units would remain affordable in perpetuity and serve local key workers. There is no proposed affordable housing registered provider or council involvement, and the desire to ensure a potential "back-up" occupant suggests there may be continued issues for Belmont employees, should this be the affordability of the units, even with the rent reduction, or other staff retention matters. The development of 7 units is a limited provision, given a staff of over 40 work at the nursery, and would have limited value in the provision of affordable units to serve this business, or more widely the needs of the Borough.

At appeal, the Inspector had concerns that "even if the units were provided there would be no certainty that the housing would retain its affordable status into the future". Therefore, there is concern that the units, which ordinarily would not be justified in Green Belt terms, would be occupied by employees of the school, and if not, would retain their affordable housing status, which provides some level of justification as per para. 149 (f), and that this could be ensured in perpetuity.

Therefore, whilst the submission suggests an affordable housing development under the provisions of para 149 (f) - notwithstanding the limited interaction with the policies of the development Plan as noted above - there remains some concern that the scheme would provide affordable units to meet local need and that the units would remain in affordable use in perpetuity. The potential provision of affordable units could only attract limited weight in any balancing exercise.

Any affordable housing provision also requires assessment against other policy requirements, including potential harm to Green Belt openness; this is discussed below.

The proposed scheme has been reduced from the level of development put forward under application 18/6924/FUL. The "full" two storey, with pitched roof above, is gone, and now the first floor would be contained within the roof, and the living areas would be served by

front and rear dormer windows. The ridge would be reduced by 1.5m, the footprint and site layout remain largely unchanged. The applicant also points out that the garage block to the north has also since been constructed on site. It is also stated the proposed building would be part sunken within the site.

With regards to impact on the Green Belt, the Inspector concluded;

The proposed building would be a substantial built form, both spatially and visually. This would be clearly appreciable from within the public realm, and the presence of the boundary wall, planting and possible construction of garages to the rear would do little or nothing to alter this perception. Even had I reached a different view with regard to PDL and affordable housing therefore, the impact on the openness of the Green Belt would be substantial, as too would be the harm caused.

I accept that Jeanette's stood on the site for around 300 years. However, as almost a century has now passed since it was demolished, few people, if anyone, will now remember it. The openness of the site has on the other hand become a well-established feature of the Green Belt, and indeed has been since the Green Belt was designated. As such the historic presence of a building on the site does not alter my view of the substantial harm that would be caused to the openness of the Green Belt.

It is accepted that the proposed scheme has been reduced from the appeal, however this would still be a substantial building served by ancillary facilities and the paraphernalia associated with residential use; cultivated grounds and a parking area. The Inspector did address the issue of the now developed garages, to the north of the site, in his determination, and found that their presence would do little to alter the perception. Indeed, it is considered that this would contribute to further visual clutter and have a cumulative impact in terms of encroachment. Similarly, a partly sunken building would have limited value in reducing the spatial and visual impact of this building. The site plays an important Green Belt function, safeguards the surrounding countryside from encroachment, prevents unrestricted sprawl and ensures the preservation of the setting and special character of this part of Mill Hill. The retention of this area of Green Belt land also assists with the drive to promote urban regeneration, by encouraging the recycling of derelict and other urban land, which continues throughout the district.

The proposal would erode the open character of the Green Belt, resulting in significant harm, and this aspect should attract substantial weight in any planning balance.

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

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.

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. Under the appeal scheme the council had concerns that 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.

With regards to that development, the Inspector determined the proposed development would not preserve or enhance the character or appearance of the Conservation Area, and would thus cause less than substantial harm to its significance. The relevant analysis paragraphs stated the following:

....."The relative openness of land on the north side of The Ridgeway appears to be a historic feature of the streetscene, and makes a positive contribution to the character and appearance of the Conservation Area. This said, whilst the part of the site upon which Jeanette's once stood has itself laid open for many years, it nonetheless holds little historic significance as an open space. This is similarly true with regard to current views across the same part of the site. Given that the significance of the Conservation Area principally lies in its pre-twentieth century townscape, it follows that the reinstatement of a lost, pre-twentieth century component, would offer some potential for enhancement.

The proposal would not however, constitute reinstatement. The proposed building would stand on a different part of the site, which both more recently, and historically, was open garden space, whilst parking would be provided within other historically open space adjacent. The building would be significantly larger in scale and mass than Jeanette's, and the proposed detail, form and proportions would also not match. Nor would they very accurately match those of extant historic buildings in the Conservation Area, whether or not render was added.

I accept that the scale and mass of the proposed building finds reference in other, existing buildings within the Conservation Area. This does not however alter the fact that the development would result in the loss of historic open space, in the process obstructing previously unobstructed views to the landscape beyond, and that the harm this would cause would be accentuated by the prominence, size and unsympathetic architectural design of the proposed building".....

The Inspector therefore stated that there was an opportunity, potentially, for enhancement, with the reinstatement of a pre-twentieth century component.

However, he did not consider the appeal scheme a re-instatement. The reasoning being that the building differed from Jeanettes, and was located at a different part of the site.

The Inspector opined that "The proposed building would stand on a different part of the site, which both more recently, and historically, was open garden space, whilst parking would be provided within other historically open space adjacent".

The proposed scheme occupies largely the same footprint and once again would be served by parking spaces to the west of the building. The building would again, "result in the loss of historic open space, in the process obstructing previously unobstructed views to the landscape beyond".

Officers still have reservations with the development of the site and continue to feel that a distinctive part of the existing character of Mill Hill Conservation Area, is that there are 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.

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 car parking, 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.

The revised scheme takes reference from other buildings within the conservation area, including historic Alms houses, and more recent replications, the design therefore continues to differ from the building that previously occupied the site.

It is acknowledged that the scheme aims to replicate other buildings within the conservation area, as opposed to the Jeanettes building. The proposal differs greatly from the historic Alms-houses on Milesplit Lane (Nicholl Alms houses). The Alms-houses are simple and modest, single storey in form and with an even balance of windows, doors and chimneys.

It is noted more recent Alms-houses style properties have included limited dormer windows within the roof. But even these additions are more unassuming than the proposal, which includes a random mix of forward projections and dormers that leave a fussy and unbalanced appearance that fails to reflect any built form in the area. In order to achieve adequate floor space within the roof a half-hip style roof with raised eaves, with large flat-topped section, is employed, and this further strays from the simple unfussy design of the existing, and more recent, Alms-houses.

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. Once again, officers consider 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.

The proposal would not be acceptable with regard to Local Plan Policy DM06 or Policy HC1 of the London Plan (2021), which require 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.'

It is therefore considered the revised scheme would continue to cause less than substantial harm to the significance of the Mill Hill Conservation Area as per the duty imposed by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this should carry significant weight in any balancing exercise against any social, economic and environmental benefits associated with the provision of 7 one bed flats for use by employees at Belmont Farm Nursery.

Overall Planning Balance

Officers have concluded that the revised scheme would continue to cause substantial harm to the open character of the Green Belt at this location. It is also considered the scheme would cause less than substantial harm to the character and appearance of the Mill Hill Conservation Area.

These concerns carry substantial weight. Para 202 of the NPPF outlines that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

It is considered the limited social, economic and environmental benefits associated with the provision of 7 one bed flats, whose affordable status are somewhat doubtful - particularly in relation to indefinitely ensuring their delivery and retention - would be insufficient to outweigh the harm that would be caused. The scheme benefits are

insufficient to outweigh the combined harm to the Green Belt and to the Conservation Area. The harm caused by the proposal would not be clearly outweighed by other considerations.

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. The scheme proposed 7 No. studio flats with have a requirement of a minimum floorspace of 37 sq. m per unit. The floor area of the units range from 37 sq. m to 63 sq. m so some are significantly more than the requirement for a studio and could meet the requirement for larger units. However, located in the roof some floor space would be lost. The SPG Guidance advises at least 75% of the floor space should have headroom of at least 2.5m. Quite a bit of floor space on some units would be below 2.5m, but these are generous sized units, with adequate levels of headroom, and the majority are dual aspect. Unit 2 would be entirely north facing, guidance aims to avoid this, but the unit has an open plan, and wide frontage, with easy access to the public amenity space to the rear, with the potential for a small area of private amenity space directly to the rear. The unit would still provide an adequate standard of accommodation.

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, and small areas of potential allotment/planting/growing space to the front. The garden would 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.

Under this revised scheme, the units are considered to still 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. Given the distance there would be no impact on the amenity of these neighbours. The Lodge to the front corner of the site is currently being converted and the new building would retain a distance of approximately 5.0m to the rear of the Lodge, no flank windows are proposed, and this relationship is acceptable. Third party comment has raised concern that the means to access the site, through Littleberries,

would have adverse impacts on the amenity of residents of this converted building. However, it is difficult to envisage serious disruption, such that this would amount to a reason to refuse the application.

Third party concern has been raised with regards to potential issues with accessing the site through the "in" gate of the in/out access at Littleberries but it is not considered that any movement would cause serious disturbance, and highways have raised no objection to the scheme.

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.

Ecology

Ecological information has been submitted in support of the application (Adonis Ecology Ltd.). No evidence of protected species, including bats, were found, and no further surveys are required.

Overall, the site was considered to be of low local value for wildlife. With the impact avoidance measures implemented, the risk of impact to protected and or Section 41 species, Section 41 habitats or local biodiversity from the proposed development could be reduced to negligible. Further, with the proposed biodiversity enhancements implemented, the site should achieve a net biodiversity gain as encouraged by the NPPF.

The report also suggests appropriate mitigation steps to be taken, including:

- o standard lighting precautions to ensure that the site will not become unsuitable for foraging and commuting bats;
- o standard timing precautions to ensure no nesting birds are disturb if any trees are to be removed or pruned;
- o careful strimming of the ruderal area on site to ensure any reptiles or other wildlife can escape safely;
- o careful removal by hand any log piles to ensure any reptiles, hedgehogs or other wildlife can escape safely; and
- o continued access through the site by badgers.

The council's ecologist has reviewed the report and raise no objection.

The ecologist comments that;

'The buildings were all deemed to be of negligible roosting potential', therefore further bat presence/absence surveys on the buildings are not required.

The proposed works were considered to pose a potentially significant risk of impact on the following protected and/or Section 41 species/ groups:

- o Moderate risk of indirect impact to likely low numbers of foraging and/or commuting bats from additional lighting;
- o Moderate risk of impact to badgers *Meles meles* from loss of commuting habitat;
- o Low risk of impact to reptiles and hedgehogs *Erinaceus europaeus*, and very low risk of harm to badgers during site clearance works; and
- o Moderate risk of impact to nesting birds in trees if site clearance works are undertaken between optimal nesting season of March and end of August.

Subject to a condition agreeing a lighting strategy, a Construction Environmental Management Plan, and that enhancements in the Adonis report are implemented there is no objection to the proposal. The above could be agreed by condition on any approved scheme.

Whether harm would be caused to Highway safety

Highways officers were consulted on the proposal and commented as below.

Proposal

The applicant is proposing to construct a new building to accommodate 7x self-contained studio units, with the provision of 7x off-street car parking spaces.

Car Parking

The site lies within a PTAL 1b, which means that there is very poor public transport accessibility to and from the site. Therefore, the proposed provision of 7x off-street car parking spaces, is in line with Policy DM17 of the Barnet Local Plan, and is therefore acceptable on highways grounds.

Vehicular Access

The applicant is proposing to retain the existing vehicular access. This is deemed acceptable on highways grounds.

Refuse

The proposed refuse storage location is within 10m of the public highway. The applicant is advised that as the bin store is located behind a gated area, bins will need to be brought to the edge of the footway on collection days. A refuse and recycling strategy could be agreed by condition.

Cycle

Cycle parking details are to be provided. Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. Cycle parking should be provided in a secure, covered, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked.

Recommendation

The application is recommended for approval subject to conditions agreeing details of parking, cycle parking/storage, a construction Mgt plan, details of electric vehicle charging points.

Environmental Health Comments

No objection subject to conditions. A contaminated land survey is required due to the fact the site may have been used for fly-tipping; the state of the land from the photos appears to show made ground, therefore a contaminated land condition is recommended.

Greater London Archaeological Advisory Service (GLAAS)

The applicant has re-submitted the Historic Environment Desk Based Assessment from the 2018 application which was refused. However, no significant new archaeological work has taken place in the area since then and so the DBA can be utilised for this application. The DBA clearly shows that the site has a good potential for archaeological remains of an early post-medieval house known as Jeanettes. The house was originally at least 16th century in date and was demolished in 1927 after being rebuilt several times. The remains would be of local interest and are likely to be well preserved. The remains would not be considered to be of national significance (requiring preservation in situ) however they may add to our understanding of the 16th century house and the development of Mill Hill.

It is therefore recommend that an archaeological condition be applied which requires, in the first instance an archaeological evaluation followed by a second stage of mitigation. The mitigation scope would depend on the results of the evaluation.

It is considered that that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.

However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

The NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. NPPF paragraphs 190 and 197 and London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Where appropriate, applicants should therefore also expect to identify enhancement opportunities.

It is therefore recommend attaching a condition to secure a written scheme of investigation, this could be attached on any approved scheme.

5.4 Response to Public Consultation

Addressed in the main body of the report.

- Noise and disturbance during construction phase.

This is not grounds for refusal however, in the event of an approval the impact can be mitigated by way of appropriate conditions relating to demolition and construction management.

- I feel it very hard to believe that the proposed developer would build such a building for essential

workers. I believe the same developer also tried to get planning permission for a similar development in St Vincent's Lane.

-Application has recently been rejected following a comprehensive assessment and the new plans offer nothing further to support it.

The application needs to be assessed on its own individual merits.

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

Previous concerns with regards to impact on the open character of the Green Belt, and character of the conservation area still remain. It is not considered the limited benefits of any affordable housing scheme outweigh this substantial harm. The application is therefore recommended for REFUSAL

