

**Location** Belmont Nursery School The Ridgeway London NW7 1QT

**Reference:** 22/2800/S73 Received: 25th May 2022

Accepted: 25th May 2022

Ward: Mill Hill Expiry 20th July 2022

**Case Officer:** Mansoor Cohen

Applicant: Belmont Farm Nursery

Proposal: Variation of Conditions 1 (Approved Plans), 5 (Parking Spaces), 17 (Landscape Management Plan) and 18 (Hard and Soft Landscaping) of planning permission reference 17/1982/FUL dated 05/12/17 for 'Demolition of existing buildings and erection of single storey buildings to facilitate use as a children's nursery and associated changes to landscaping.' Variation to include the retention of existing hardstanding at the area to the west of the nursery building for continued use as parking, providing 50 spaces

## **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 retention of the main car park would constitute an inappropriate form of development which would harm the openness of and encroach upon the rural character of the Green Belt both visually and spatially. No case for very special circumstances has been demonstrated such as to outweigh the harm caused to the Green Belt by reason of inappropriateness or any other harm identified. The proposal would have an unacceptable impact on the aims and purpose of the Green Belt. As such the proposal would be contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM01 and DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy G2 of The London Plan 2021 and Section 13 of the National Planning Policy Framework (2021)

- 2 The proposed retention of the car park hardstanding would, by virtue of its excessive scale, extent and siting, result in the erosion of the special rural verdant character of the site and wider area, fail to provide appropriate on-site soft landscaping to mitigate the impact of approved on site development and neither preserves nor enhances the character and appearance of this part of the Mill Hill Conservation Area, contrary to Policies D3 and HC1 of the London Plan (2021), Policies CS NPPF and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (adopted September 2012) and the Mill Hill Conservation Area Character Appraisal (2008)

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

- 1 The plans accompanying this application are:

16096-L01

0505.4

Letter from St Paul's CE Primary School, dated 19 April 2022

Email from Mill Hill School Foundation, dated 22 April 2022

Cover letter, dated 24 May 2022

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

### **OFFICER'S ASSESSMENT**

This application has been called to Committee by Cllr Simberg for the following reason:

*As all are aware this is an issue that needs to be dealt with as a matter of urgency. The Car park is on the Green belt however I have lived in Mill Hill for over 35 years and during that time I have always known there to be a car park in the current location.*

*Having visited the site on several occasions I cannot see the benefit to the community that is the car park, if moved, would continue to be of benefit to the community all I can see is the hard standing remaining and people parking on the road thus causing more of an issue.*

*Officers have tried to resolve this issue with the current landowner, who has not complied with the issue, and to this end I feel that if this was decided by committee a line will be drawn under it and the land owner will move on.*

## **1. Site Description**

The application site relates to an extensive piece of land located to the north east side of The Ridgeway and operating as Belmont Farm since 2009. The site following an approval in 2017 facilitated the incorporation of a purpose built children's nursery within the wider Belmont Farm use located rearwards of the pond along the eastern curtilage of the site.

The area adjoining The Ridgeway is predominately residential in character however there are a number of schools and similar institutional establishments in the wider area. The land is undulating and there are numerous mature trees along the main roads. The area is designated as Green Belt and the site lies within the Mill Hill Conservation Area.

The wider holding at Belmont Farm covers an area of some 81 hectares. In appeal decisions in early 2003 the Belmont Estate was found to be a single planning unit in a mixed use consisting of equestrian, agricultural and residential uses. The site has extensive planning and enforcement history.

The application specifically relates to a parcel of land towards the southern end of the site consisting of extensive hardstanding and operating as a car park for up to 50 vehicles.

## **2. Relevant Site History**

Reference: 21/1520/FUL

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

Decision: Pending consideration

Description: Change of use of part of ground floor into Children's Day Nursery (Use Class E(f)). Revised site layout including outdoor play space, 5 no. disabled parking spaces, new drop-off area and cycle parking [AMENDED DESCRIPTION AND PLANS]

Reference: 18/0601/CON

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

Decision: Approved

Decision Date: 16 March 2018

Description: Submission of details of conditions 3 (Levels) 4 (Materials) 6 (Disabled Access) 9 (Demolition and Construction Method Statement) 14 (Extraction and Ventilation) pursuant to planning permission 17/1982/FUL dated 17/05/17

Reference: 18/0471/CON

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

Decision: Split Decision

Decision Date: 10 August 2018

Description: Submission of details of Conditions 3 (Levels), 4 (External Materials), 6 (Disabled Access), 7 (Cycle Spaces), 8 (Refuse and Recycling), 9 (Demolition & Construction Method Statement), 10 (Public Highways Work), 11 (Means of Enclosure), 14 (Extraction and Ventilation Equipment ), 16 (Noise Assessment), 17 (Landscape Management Plan), 18 (Landscaping), 19 (Tree Protection) and 20 (Arboricultural Method Statement) pursuant to planning permission 17/1982/FUL dated 17/05/17

Reference: 17/1982/FUL

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

Decision: Approved following legal agreement

Decision Date: 5 December 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: 15/05843/FUL

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

Decision: Approved following legal agreement

Decision Date: 01 February 2017

Description: Change of use of existing indoor riding school involving its demolition and rebuild to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Reference: 15/06794/FUL

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

Decision: Approved subject to conditions

Decision Date: 3 February 2016

Description: Relocation of an existing fixed twin mobile home (granted under application W00180BS/07) 100 meters to the north east of its present location

Reference: H/04062/13

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

Decision: Refused

Decision Date: 5 November 2013

Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.

Reference: H/04060/13

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

Decision: Refused

Decision Date: 4 November 2013

Description: Variation of Condition 4 (opening hours) pursuant to planning permission H/01150/12 dated 03/06/13. Variations involve extending the opening times for the building, access, and car park from 6:30am to 10:00pm Monday to Friday and 9am to 10pm Saturdays, Sundays and Bank Holidays.

Reference: H/06082/13

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

Decision: Refused

Decision Date: 17 February 2014

Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.

Reference: H/05605/13

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

Decision: Refused

Decision Date: 23 January 2014

Description: Variation of Condition 4 (Opening Hours) pursuant to planning permission H/01150/12 dated 03/06/2013. Variations include public opening times from 6:30am to 10:00pm Monday to Friday, and 9:00am to 10:00pm Saturday, Sunday and Bank Holidays.

Reference: H/01150/12

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

Decision: Approved following legal agreement

Decision Date: 3 June 2013

Description: Change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Reference: H/00554/12

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

Decision: Refused

Decision Date: 22 January 2013

Description: Part demolition, extension and alteration of existing buildings including existing bungalow, and change of use to provide a 4 bedroom bungalow (land currently occupied by children's farm).

Reference: H/00652/12

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

Decision: Approved subject to conditions

Decision Date: 22 January 2013

Description: Demolition of stables and ancillary farm buildings.

Reference: H/04579/11

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

Decision: Approved subject to conditions

Decision Date: 30 July 2012

Description: Installation of an 11.8m high slimline monopole and 2no. equipment cabinets to replace the existing equipment within the existing Vodafone compound at Belmont Farm.

Reference: W00180BQ/05

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

Decision: Refused

Decision Date: 13 April 2005

Description: The Installation of a 10m monopole (telecommunications mast) with telegraph pole design, with 3 No. shrouded antennas, radio equipment housings and ancillary development.

Reference: W00180BL/03

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

Decision: Refused

Decision Date: 6 February 2004

Description: Installation of 27m high telecommunications lattice mast with 6 cross polar antennae and 2 relay dishes and associated equipment cabin and 1.8m high chain-link fence.

Reference: W00180BF/02

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

Decision: Refused

Decision Date: 26 April 2002

Description: Erection of 21 metre high lattice mast with 4 antennae in new post and rail fenced compound, in addition to a separate, ancillary single storey equipment cabin.

Relevant Enforcement History:

Reference: ENF/0590/21

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

Status: Pending Consideration

Breach: Car park - the disused car park has not been grassed over as indicated- 2. The children's farm has moved to their new location but the ancillary cafe did not and it is now advertising and operating as a restaurant. 3. Proliferation of advert signs along the Ridgeway frontage of the site.-

### **3. Proposal**

Permission is sought for the variation of conditions 1 (Approved Plans), 5 (Parking Spaces), 17 (Landscape Management Plan) and 18 (Hard and Soft Landscaping) of planning permission reference 17/1982/FUL dated 05/12/17 for 'Demolition of existing buildings and erection of single storey buildings to facilitate use as a children's nursery and associated changes to landscaping.'

The proposed variation seeks to retain an area of existing hardstanding located west of the approved nursery building for continued use as parking, providing 50 vehicle parking spaces.

This area under the approved scheme was set to be re-landscaped and turfed over.

### **4. Public Consultation**

Consultation letters were sent to 25 neighbouring properties.

2 letters of objection were received summarised as follows:

- Inappropriate for Mill Hill and will result in an increase of traffic in already congested area.
- Contrary to London and Local policy regarding the Green Belt and Conservation Area.
- Allowing for hardstanding areas to remain where it was decided it should be turfed to compensate for further intensified use elsewhere on the site, allows for development to sprawl within this already very much developed Green Belt location.

-The car park should be turfed as per the approved plans to ensure that as much the Green Belt remains as possible and to mitigate for the new areas that will be more intensely used and developed as a result of the approved plans.  
-If there is not sufficient parking provided for in the approved plans, then the proposal is inappropriate and too large in scale for the Green Belt - permission with this intensified use of Green Belt land should, therefore, be reconsidered.

## **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 updated on 20 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. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2021

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 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, DM04, DM06, DM13, DM15, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.
- Mill Hill Conservation Area Character Appraisal (2008)

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

The main issues for consideration in this case are:

- Whether harm would be caused to the openness of the Greenbelt.
- Whether harm would be caused to character of the Mill Hill Conservation Area and locality
- Whether harm would be caused to the living conditions of neighbouring residents.
- Highway and parking impacts

### **5.3 Assessment of proposals**

The principle of the development and other planning issues have previously been considered acceptable under the planning decision approval 17/1982/FUL dated 05/12/17.

The following assessment relates only to the amendments proposed by the current S73 application.

#### Impact on the Greenbelt

Policy context:

The policy background for development within the Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF, 2021) and establishes that the government attaches great importance to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence and the NPPF identifies five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;



- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the NPPF states: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 continues and states: 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.

Policy DM15 of the Local Plan offers the same level of protection to Green Belt land as the NPPF. It goes on to state in part 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.

In this instance, the proposed variation relates to the retention of the existing main car park in its current use which sits towards the southern end of the site (nearing the junction with The Ridgeway). The area was designated to be re-turfed as part of the approval under reference 17/1982/FUL for the new nursery building as it was considered surplus to the requirements of operating the wider site. This aspect of the approved development has not been implemented.

It would appear from historical records that whilst the car park is in situ, its historical origins did not benefit from express planning consent. In so far as it is relevant an appeal decision (ref: APP/N5090/C/10/2142219) for this site relating to an enforcement notice, considers some of the spatial development aspect in a decision made in 2011.

Paragraph 39 acknowledges the existence of the subject car park and additional car park further north: 'In addition, space to the north and west has been formalised for a car park with about 92 spaces, retaining a grass area on the site frontage.'

Paragraph 41: 'The appellant maintained that the land on the northern and western part of the appeal site was previously used for the stationing of farm vehicles and horse boxes in connection within the wider holding, together with a 50 space car park referred to in sales particulars for the Belmont Riding Centre. The extension to the grassed area on the frontage has resulted in the loss of an area equivalent to some 20 spaces.

Paragraph 42: 'However, the 2005 appeal decision indicated that the land was largely open, which is consistent with an aerial photograph pre 2007. The probability is that in the 1990's the unsurfaced land was used for informal and occasional parking of horse and farm related vehicles, apart from the frontage north west of Sheepwash Pond. A defined area for car parking appeared to exist on the land adjacent. There is no information on the level of use of the car park, only its capacity. In recent years, prior to the opening of the children's farm in 2009, these areas were little used for parking, a conclusion supported by the comments of residents and other interested parties and by previous appeal decisions. By that time the stables had fallen into disuse and the indoor equestrian centre had closed. The current position is that the 92 space car park is more formally laid out with an in-out arrangement, demarcation of blocks of parking and a hard surface in a good state of repair. It is well used, with a regular turnover of cars. Openness has not been maintained.'

The Inspector considered that the resultant hard surfaced car park did not maintain the openness of the Green Belt.

The NPPF recognises exceptions to new development in Green Belts as being, inter alia, 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 (Para.149).

In respect of inappropriateness, the PPG details what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt:

-openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;

-the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

-the degree of activity likely to be generated, such as traffic generation.

In spatial terms, the subject parcel of hardstanding is an extensive plot of land measuring governing an area of approximately 90m by 28m. The site lies within the Green Belt, the area is characterised by extensive lush areas of greenspace providing a strong rural feel, the extensive hard standing in spatial terms erodes the rural nature of the site and wider area.

In visual terms, whilst the hardstanding provides limited volume, its visibility is clear when viewed from the street scene and is in direct contrast to the greenspace area which fronts the site and the Ridgeway. On site, its extensive depth and width has a dominating impact and reduces the verdant nature of the site. It is therefore considered that in visual terms the hardstanding erodes the openness and verdant character of the site.

In terms of durability, it is evident as per the approved scheme, that remediability is possible, however, this attaches limited weight as there is no indication that the hardstanding would be temporary in nature.

Given its use as a car park, this would attract considerable comings and goings and levels of activity. In this context, it is highlighted that weighed up in the planning balance of the approved scheme was the increased intensification of the site as a result of the Childrens Nursery, the delegated report to this approval noted that the reduction in hardstanding (the subject of this proposal) would to an extent compensate for the increased intensification by the nursery. Given the variation seeks to now retain this element, it is considered that cumulatively the site results in an over-intensive use harmful to the openness of the Green Belt. It is further highlighted that the aforementioned Inspector also considered the hardstanding did not retain the openness of the Green Belt.

The proposal therefore constitutes inappropriate development. In accordance with Paragraph 147 of the NPPF Very Special Circumstances (VSC) would need to be demonstrated. The NPPF states that '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.

To this end, the applicant advocates that the subject area of parking is paramount to the operation of Belmont Farm Nursery as well as other nearby education establishments which utilise the car park and has provided supporting letters from two local schools. The applicant notes that amongst these users car use is a primary means of travel particularly given the low PTAL rating. Further to this, the applicant states 'Retention of the car parking area is crucial to the safety of residents, visitors and parents. The car park helps to relieve pressure on the Ridgeway from the effects of illegal parking which leads to the creation of excess traffic and visibility issues putting pedestrians, cyclists and motor users at risk.'

Highways have been consulted and have commented as follows:

'There have been several discussions on Belmont Nursery expansion (21/1520/FUL) on the wider site. Parking and drop-off provision were among the key issues discussed. Highways does not object to the retention of the existing hardstanding area to the west of the nursery building for continued use as parking to provide 50 spaces although this may represent an overprovision of parking given that the previous application suggest from the entire site can operate safely with only 50 spaces on the basis of the applicant's transport statement (21/1520/FUL).

It is considered that any additional provision could reduce any potential parking displacement onto The Ridgeway which already suffers from on-street parking pressure. In the event of an approval, a parking management plan is recommended to control how the car park is used and to ensure that adequate enforcement is provided.'

Highway comments refer to a concurrent application for the expansion of the nursery to the northern end of the site. Within this submission a parking survey was carried out on the subject car park only, the results on average over the two survey days note that peak parking accumulation was 16 vehicles, at a parking stress of 27.6% with 42 spare spaces. The transport consultant confirms the survey relates to all users of this car park, ie. the childrens farm, nursery and any other users and confirms this representative of the typical users at peak time. Given this survey is recent, it is not considered that the applicants assertion is founded and rather the survey evidences to the contrary.

It is accepted that car park would to an extent alleviate parking pressure on the The Ridgeway and likely assist local schools and users as Highways state, however, equally it is noted that this is a clear on-site over provision.

Furthermore, the site benefits from an additional car park to the northern end of the site which would amply accommodate the parking demand.

It is therefore not considered that very special circumstances exist. Irrespective of this, the limited benefit that would be derived from the car park in terms of alleviating parking pressure along The ridgeway would not outweigh the significant harm to the Green Belt as already identified.

The proposal would thus be contrary to the aforementioned policies of the NPPF and local plan.

#### Impact on the Mill Hill Conservation Area

Policy DM06 of Barnet's Development Management Policies (2012) states: All heritage assets will be protected in line with their significance. All development will have regard to

the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Within the Mill Hill Conservation Area Character Appraisal Statement (Adopted 2008), the local area is characterised by 'the attractive linear views along the length of the Ridgeway... enhanced greatly by the intermittent trees and hedges, which form a distinct boundary to the road. They provide a strong green barrier to the traffic and the properties that they enclose.' (p.18).

The proposed variation would see the loss of the approved and conditioned greenspace presently in situ as a car park. The car park is extensive and therefore the soft landscaping of this area would positively contribute to the verdant and rural character of the area. It is considered (and as evident within the planning conditions), that this area plays a crucial role in maintaining the visual openness of the site and its verdant character consistent with the Mill Hill Conservation Area. The retention of the car park and therefore subsequent loss of green space is therefore not accepted and would neither preserve nor enhance the Mill Hill Conservation Area.

Furthermore, paragraph 135 of the NPPF in relation to 'achieving well designed places' states:

'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

In this context, it is considered that the proposal would materially diminish the quality and contribution to the site and wider area from that previously approved. The retaining of the car park would fail to mitigate the increased intensive use of the site and this is considered to adversely impact the characterisation of this area contrary to policies.

#### Impact on the amenities of neighbours including highway impacts

The car park is in existing use and has been so for a number of years, its relative recessed nature and separation distance to the eastern boundary means it is sited away from any neighbouring properties and therefore it is considered that any levels of increased activity and associated noise would have an acceptable impact on neighbouring occupiers.

In respect of highway impact as noted earlier, Highways do not object to the proposal despite it clearly constitutes an over-provision of parking spaces as this would alleviate some parking pressure on street. As such, from a highway perspective, the proposal is considered acceptable.

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

Addressed in the report.

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

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

The proposal is not considered to accord with the requirements of the Development Plan and is therefore recommended for REFUSAL.

