

Mill Hill Preservation Society founded 1949

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For the attention of **Josh McLean**, Planning Officer
London Borough of Barnet
Planning & Building Control
2 Bristol Avenue, Colindale
London NW9 4EW

4th April 2022

Your Ref: **22/0649/FUL**

Our ref: JL /pg/MHPS Planning

Sent by email only to: josh.mclean@barnet.gov.uk

Dear Josh McLean,

TOWN AND COUNTRY PLANNING ACT 1990

SITE: *Former Watch Tower House And Kingdom Hall Sites The Ridgeway London NW7 1RS*

PROPOSAL: *Demolition of existing buildings and structures, and redevelopment of the site including construction of 10no new buildings, ranging from 1 to 5 storeys (plus basement) in height and refurbishment of and extension to Bittacy Cottage - comprising 175 units of specialist older persons housing (Class C2) with ancillary communal facilities, 9no. residential dwellings (Class C3) and a community facility (Flexible Class F1/F2/E) alongside public open space, provision of car and cycle parking, associated landscaping and associated works*

PLANNING REFERENCE: *22/0649/FUL*

Introduction

Our Management Committee met with the developer and discussed the design development on a few occasions, the most recent meeting being 13th September 2021. Later we attended a public exhibition in Kingdom Hall and had a guided tour of the entire site. Generally the scheme makes good use of the location and the building designs are reasonable, although there are some aspects we shall raise where we feel the scheme needs to be changed and improved.

Local Plan

The existing buildings provided 85 self-contained residential units with additional ancillary spaces for the staff of the International Bible Studies Association who have now vacated the site but are caretaking there. The site includes existing car parking and extensive gardens. The western half of the site comprises a large open space with Kingdom Hall adjacent to The Ridgeway. The site has numerous mature trees and is subject to an Area Tree Preservation Order. A public footpath bisects the site from north to south and falls away sharply with good views towards London. Suburban roads of semi-detached housing surround the site to the south, east and west.

The site was not allocated for development in the current Local Plan. Under the emerging Local Plan (Reg. 19) the site is earmarked for development with 80% of the 7.3 hectares (58,500 sqm) retained as undeveloped Green Belt, with 18% (13,600 sqm) given over to residential and 2% (1,500 sqm) for community uses. However, the allocation of the site is subject to various objections and as such carries limited weight in the determination of any application (see NPPF para. 48).

The emerging Plan anticipates the delivery of circa 224 units (C3). This would be an increase of some 260% in dwellings over and above the existing site and this has been a cause of concern among local residents as it is inappropriate for the Green Belt.

Green Belt

By virtue of the fact that the site has been developed previously it is classified as a 'brownfield site' that lies within the Green Belt. The National Planning Policy Framework (NPPF) clause 147. states that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* The key question is whether this proposal is 'inappropriate development' and whether the Applicant therefore has to demonstrate that very special circumstances (VSC) exist. As the draft Local Plan (Reg.19), endorsed by Council on 19 October 2021, is seeking to allocate the site for residential development, the Society has come to the view some form of care home (C2 Use) is not inappropriate within the Green Belt, but the configuration of this proposal is inappropriate.

NPPF Clause 149. States ... 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

*(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.'***

This proposal does have a greater impact on the openness of the Green Belt than the existing buildings. Whilst the development is limited to the confines of the previously developed land and whilst there is provision for affordable housing this falls short of meeting an identified affordable housing need. Policy CS4 of the Core Strategy seeks to deliver this but this proposal does not satisfy the standard.

Policy CS4 of the Core Strategy seeks to deliver 40% affordable housing across all development sites. For a scheme of this scale (175 dwellings and 9 affordable units) a total affordable housing need would be seventy-four affordable dwellings. Nine dwellings fails to meet an identified housing need of 40% per major development site and as such clause 149(g) is not triggered and the development constitutes inappropriate development within the Green Belt.

We have no doubt that the Applicant will argue that C2 housing does not trigger the need for affordable housing. However, this fallacy was usurped by the Court ruling in Rectory Homes Ltd v SSHCLG & SODC [2020] EWHC 2098 (Admin). In this case Judge Holgate ruled that whether the units were C2 or C3 was irrelevant, if they could operate as independent dwellings, albeit with some external care provision in the case of C2, then they triggered the need for affordable housing provision.

As the scheme fails to comply with the requirements of Clause 149(g), it is inappropriate development within the Green Belt and no 'very special circumstances have been advanced.

It is appreciated that there is a need within the Borough for C2 housing, however, the emerging Local Plan could only be found to be sound if sufficient provision had been identified within it to meet the identified need and the Applicant has not sought to consider any other alternative location for this proposal that may be more suitable.

Conservation Area

The Mill Hill Conservation Area Character Appraisal Statement Adopted (April 2008) makes little reference to Watch Tower House, other than to mention it as a building with institutional use in the same paragraph as the National Institute for Medical Research (NIMR) at the eastern end of The Ridgeway. These buildings occupy large sites with car reliant users. In our opinion, judging by the appearance and layout of the proposed scheme it will not jar with the Conservation Area unlike the new blocks on the NIMR site that architecturally contribute nothing to the character and feel of the Conservation Area. Comments pertaining to parking and impact on the Conservation Area are considered below.

Over-development of the Site

The consideration as to over-development of the site is clouded by the emerging Local Plan (Reg.19) in that the suggested development potential is noted at 224 flats, whereas this scheme proposes 175 retirement units plus 9 affordable housing units, making a total of 184 i.e. less than the draft Local Plan.

Looking in greater detail the Applicant claims the existing amount of site that is 'built-up' is 20,454 sqm, whereas the proposed is 17,445 sqm which is a reduction of nearly 15%. The area of land comprising buildings and car parks is currently 16,978 sqm and in the proposed scheme it is 10,813 sqm which is a reduction of just over 36%. The current open land without any buildings and surface infrastructure is 52,392 sqm whereas the current scheme proposes this figure is increased to 55,401 sqm which is an increase of over 5%. The open space to the south of the C2 care home will not be public open space.

Conversely, the Applicant shows the building footprint above ground is currently 5,651 sqm that increases to 6,688 sqm, an increase of about 18%. The building floorspace above ground increases from 14,077 (including potential mezzanine space) to 22,641 sqm and this is an increase of about 60%. The existing building volume above ground is 45.120 cum that increases to 87,611 cum – about 94% more.

It seems to MHPS that the measure of 'overdevelopment' will come from issues indirectly related to the above, namely the height and bulk of proposed blocks, the number of storeys in each block and views into the site from the surrounding roads and properties. MHPS suggests that where the buildings are higher than the screening trees the openness of the Green Belt is lost.

Design Issues

The Society would not like to think that this application was an attempt to obtain normal C3 housing through an indirect route. The Society is pleased that the retirement dwellings are Use Class C2 as this provides more protection going forward to ensure the development will remain specialist older persons housing if occupation agreements are sufficiently strict and not be converted to C3 residential. We note the appropriate Use Class for the affordable homes is C3.

The design of the buildings with a mixture of flat roofs and pitched roof is certainly more in keeping with Mill Hill than the development on the NIMR site. The images in the application show quite intricate brick detailing and the Society expects the high level of detail to be maintained during the construction phase, should officers be minded to approve the application, we would request that a condition be added to secure the detailing. The separation of blocks to allow views between them also contributes to the openness of the site. These aspects of the design are good.

Bittacy Cottage, the new 'operations hub' for Marstead is altered and extended. The proposed extension is disproportionate - doubling in size from 178 sqm to 366 sqm as set out in the Design & Access Statement 7: Section 6.12. We accept that the design has been managed such that the views from The Ridgeway will be more or less unchanged. We feel in this instance the design details of the extension should exactly match the original building to provide better design continuity.

The proposed use of the community hub building is unclear. In previous discussions it was explained as a potential farm shop, pet centre or any use that would engage the residents of the retirement village. This seems to have changed, now being more a building that is available for public community use. We refer to this element again under our transport section. Moreover, the community space allocated is over 1,000 sqm short of that anticipated in the emerging Local Plan (Reg. 19).

Certainly the buildings are lower than when we first looked at the preliminary designs when some blocks were 6 storeys high. The Society would prefer all the buildings to be 4 storeys or less. We note that Councillor John Hart has written saying that he thought the scheme would be better no higher than 4 storeys so that excessive intrusion in the skyline of the sensitive area involved would be avoided.

Negative Effects

The discussion of building heights is one of our greatest concerns. We are reasonably content that views from The Ridgeway have been fully considered. However, of equal concern are views into the site from Engel Park, Bittacy Park Avenue, Rushden Gardens and Woodcote Avenue.

The photographic montages have all been examined and they only show glimpsed views. If the technique is accurate then the views seem reasonable. Clearly some of the tree screening will be more effective in summer than in winter. We shall cover issues related to additional planting later.

No existing or proposed levels plans are included in the application and this makes assessment of the inter-relationship between blocks difficult.

Allowing for perspective and the slope of the land, the 4-storey blocks along the side of the open field (blocks 02, 03 & 04) may screen the taller 5-storey blocks (05 & 06) in the centre of the site. The included views of these blocks from the south do not show them as dominant. Nor those of the blocks when viewed from the open field as the views tend to be looking up to them. The relationship between Block 07 (part 3/part 4 storeys) and the adjoining property on The Ridgeway is overbearing.

The problem we have is with Block 08 that is shown as 5 storeys. Block 08 is going to be quite visible from the rear of the houses on Bittacy Park Avenue and within all the views this is an exceptional case. We feel the residents in the houses backing onto the site here will consider the view of Block 8 to be over-bearing as it is much closer than the original buildings. There is a tree belt between the block and the back gardens but many of these are deciduous and will not provide screening in winter months.

Block 08 needs to be redesigned to be part 3 and part 4 storeys – the 3-storey element being at the southern end of the block. This would make it similar to Block 7. Balconies on the south side need to have screens to prevent overlooking to the east. The Planning Report (part 2 of 4) shows in Plates 2 & 3 the outlook for properties along Bittacy Park Avenue has been considered, but in our view the design does not go far enough. Our suggestion would also ensure Block 08 does not dominate the long-distance views from the south.

Transport and Parking

WATCH TOWER HOUSE:

The idea of an upmarket retirement village does not imply there is likely to be less traffic and daily upheaval compared with other schemes of flats on The Ridgeway, such as the NIMR site (Ridgeway Views). The Society is concerned about is the potential for overspill parking on The Ridgeway and this is difficult to establish from the Transport Assessment by Arup.

Having researched the document we could find no reference to 'overspill' parking from the site, so we don't know if this has been properly dealt with. If residents are charged for parking spaces then they may choose to park off-site to avoid the cost and this will lead to parking on adjoining roads.

Any failure to provide adequate on-site parking will impact on the character and appearance of the Conservation Area.

The report claims on page 39 that there will be 103 car parking spaces provided which equates to a parking ratio of 0.59 spaces per dwelling. We view the parking ratio differently as set out below.

As far as we can ascertain the parking provision will be as follows:

- 9 spaces for visitors
- 8 spaces for staff
- 2 spaces for visiting staff
- 4 spaces for electric cars in the car club
- 4 spaces for high vehicles that will not fit in the basement parking
- 17 spaces for disabled use
- 59 spaces allocated for residents of the Specialist Older Persons Housing

One of the most worrying aspects of this provision is in relation to staff. The Planning Statement by Avison Young states para. 11.35 *"As set out in the Socio-Economics Assessment within the Environmental Statement, it is expected that the site will support 85 FTE (full time equivalent) permanent end user jobs."* The parking provision for this level of employment is woefully low at 8 staff spaces. A further 2 for visiting staff are to be provided but we could find no reference as to how many visiting staff might be expected. The site has a low PTAL rating, so many of the staff will come by car and MHPS suggest that the lack of staff parking will definitely cause overspill parking on The Ridgeway and surrounding roads.

Taking the 17 disabled use spaces and the 59 general spaces together (76 spaces) and comparing this to the number of use class C2 units (175) this gives a parking ratio per dwelling of 0.43 (not 0.59 as suggested by Arup). This seems low, especially when one considers that these days people in their 60s & 70s are still quite active and that any partner or live-in carer need not have any medical needs.

We also note that only 20% of the car spaces will be provided with electric charging points and given the government targets for phasing out petrol/diesel vehicles this % seems low. Upcoming Building Regulations later this year will require all new dwellings to have vehicle charging points.

KINGDOM HALL:

The parking for the affordable housing is at the rate of 1 per dwelling. This level of provision has proved to be unsatisfactory on the nearby NIMR site where overspill car parking has resulted on The Ridgeway, leading to further double yellow line proposals from the Council's Highways team to endeavour to resolve the matter. The 9 spaces proposed do not allow for visitors and is of concern.

Additionally, the Community Hub on this part of the site has been designed to function as a community building as opposed to a facility solely for the occupants of the retirement village. Presumably, the Applicant is aware that, as this is a low PTAL area, a high percentage of visitors will come by car. We therefore question whether 8 spaces proposed for the use of the Hub is going to be sufficient without causing overspill parking.

Additionally, given the site arrangement there is a real risk that the community parking will be filled by overflow parking from the affordable housing.

Further, the provision of the Open Space may lead to people arriving by car with dogs and children and parking while they go for walks, picnics and the like as they do in other parts of the locality. This likelihood does not seem to have been considered.

New Public Open Space

The Society is concerned about the large open space behind Kingdom Hall, running down the length of the development and the public footpath. The Applicant states a desire to open up this area as a public green space, which some consider admirable, while others hold a different view.

There is concern that the area will be criss-crossed with paths and hardstanding, and that giving the area over to 'periodic farmers markets and community events' (Landscape Statement part 2 p.17) will very much change the nature of this wildlife habitat. The Society is also concerned about the planting of trees on the area that would impede the fine views over London. We would question whether this level of use has been factored into the Biodiversity Net Gain calculator, given that the full metric and associated plans have not been submitted.

Landscape

Having examined the Landscape Statement by Exterior Architecture (ExA) and the Arboricultural Impact Assessment by Taylor Grange, the Society is generally satisfied with the proposals. Within the site there are a total of 294 trees and tree groups, 14 hedgerows and one woodland all surveyed as part of the BS5837 baseline on the site. A Tree Preservation Order (13594/P1 January 2021) covers the whole site. Some of the trees on the site are over 150 years old including a Cedar of Lebanon nearest the entrance and some very large English Oak trees.

To facilitate the Development, 63 trees, 4 tree groups and 9 hedgerows will be removed from the site. Four trees will also be relocated from current positions to alternative locations to secure their retention. The woodland would also be retained. There are no trees of high arboricultural value that will be removed to facilitate the proposed development. No ancient woodland, ancient trees or veteran trees are present to be affected by the proposed development.*

* All the Category A trees are retained – 23 in all; 77 of the Category B trees are retained and 13 removed; 106 Category C trees are retained with 39 removed; All of the Category U trees are removed – 9 in all: 2 of the Category B and 2 of the Category C trees are moved and replanted.

Overall, the layout seems to demonstrate a clear design effort to minimise the impact on the retained tree cover through modelling the development around the root protection areas where possible and avoiding potential for future conflicts between trees and future occupants of the site. However, we feel with the increased height and arrangement of blocks there will be an adverse impact on the local environment. As the landscape develops there will also be an impact on the sunlight and daylight within habitable rooms and there will be future pressure to remove trees as they grow, particularly screening trees on the eastern boundary in close proximity to the buildings.

Opportunities for new tree and hedgerow planting across the new development also suggests that a net-gain in tree cover will be provided through the proposals. Whilst we could not find the exact number of trees to be newly planted, Section 5. Landscape Strategies by ExA shows a schedule and layout of proposed soft landscaping that, on counting, shows 178 new tree plantings. With 206 being retained and 178 being newly planted the total site number will be 384.

In Conclusion

The Society has examined the application in some depth and there are issues of great concern as outlined above.

Of these concerns, the general height of the blocks, especially Block 08 and the general parking provision to avoid overspill parking on The Ridgeway are the most worrying.

The level of affordable housing does not appear to meet current planning law.

The new community use building does not meet the Local Plan (Reg.19) planning brief.

We are also concerned that the new open space area should remain as natural as possible. We would like to ensure that the new planting will be used to reinforce the existing planting and frame views into the site, especially from the new public open space and views from south of the site.

Having taken all material considerations into account, the current application is considered inappropriate by reason of its size and scale, within the Green Belt, resulting in a form of development which is harmful to the Green Belt and the openness of the Green Belt. It is not considered that very special circumstances have been demonstrated which would outweigh the harm caused to the Green Belt.

The Society wish to receive reassurance on these points as we cannot support the scheme as it stands. We trust that the planning department will take account of all the points raised in this letter in its discussions with the applicant.

Please be in touch if you require further information.

Yours sincerely

John Living

John Living: Honorary Architect Mill Hill Preservation Society
On behalf of the Planning Group and the Management Committee