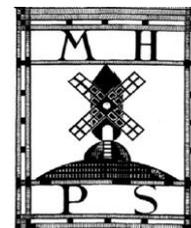


Mill Hill Preservation Society founded 1949

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For the attention of **Louis Moore**, Principal Officer, Hendon Area Team
London Borough of Barnet
Planning & Building Control
2 Bristol Avenue
Colindale
London NW9 4EW

24th October 2019
Your Ref: **19/5202/FUL**
Our ref: JL /pg/MHPS Planning

Dear Louis Moore,

TOWN AND COUNTRY PLANNING ACT 1990

SITE: *Fir Island, The Ridgeway, London NW7 1AX*

PROPOSAL: *Demolition of existing buildings and erection of a part single, part two, part three storey building to provide a Class D1 children's nursery: Associated alterations to access, hard and soft landscaping: Provision of cycle storage and off-street car parking*

PLANNING REFERENCE: 19/5202/FUL

1.0 Introduction:

- a. The Committee of the Mill Hill Preservation Society (MHPS) have examined the application on the LBB planning website. The applicant has not been in touch with MHPS and we do not have the benefit of any consultation as with other applicants. Indeed we are unaware of any public consultation by way of local exhibitions.
- b. Our comments are based on submitted material and we wish to note the absence of any Traffic Analysis or School Travel Plan, which we know is an important omission for a scheme of this type in an already congested area. There is no archaeological desktop study.
- c. The site is in the Green Belt and the Conservation Area, and we discuss this later.
- d. We note the proposal results in the loss of 6 residential flats.
- e. Under National Planning Policy Framework (NPPF) para 92 the proposed nursery is a community facility under planning use D1(a).

2.0 Negative effects on neighbours and the community:

- a. There will undoubtedly be local noise and disturbance with the coming and going of traffic, dropping off and collection of children, deliveries and staff. There will also be the noise from children during outdoor play.
- b. There will be some overlooking of the adjacent property Oakfield House that will lead to loss of privacy.
- c. The issues will cause nuisance to the adjoining residents and the wider community.

3.0 Highway Safety:

- a. The Society considers the location of the nursery on an island site surrounded by roads – one of which is a major highway - raises issues of safety for the children and adverse air pollution.

b. The access to the site is shown close to the entrance of Oakfield House on the Eastern spur of Burtonhole Lane, a narrow lane, where the delivery and pick up of children will cause considerable congestion.

c. The school parking is also accessed from this lane: there is the provision of some 22 spaces plus 2 disabled spaces for a staff count stated to be 37 (25 full time and 12 part-time) and seems inadequate leading to local overspill parking on the adjacent narrow lanes. Visitor parking is not mentioned nor the provision of parking for school 'special event' days.

d. We note the proposed pedestrian access makes no attempts to be a segregated 'safe route' and runs through the car park. This is potentially dangerous for children.

e. We note the absence of any travel plan. The adjacent development 'Ridgeway Views' on the old NIMR site is mainly one and two bedroom flats, with some 3 bedroom flats aimed at downsizing couples and a limited number of houses. The accommodation mix of the development would not suggest a significant number of children needing nursery places. This argument also applies to the proposed development of IBSA House where there will be mostly one and two bedroom flats. This suggests that, if the scheme goes ahead, people will bring their children to the nursery from afar by car, rather than by walking. This will add to the local congestion caused by the many existing schools in the area.

f. The area served by Burtonhole Lane is a cul-de-sac and the narrow lanes comprise the entrance and exit to Eleanor Crescent, Hillview Road, Burtonhole Close and lower Burtonhole Lane, where there are some enterprises requiring large delivery lorries who cannot afford to have access restricted in any way. Moreover, there are a large number of elderly people living in the roads mentioned above, and emergency vehicles may well be prevented from entering and leaving this cul-de-sac at critical times of need.

g. We were unable to find a traffic report amongst the documents. Either the Council have not included it on the website, or the applicant has not done one, in which case the submission is incomplete and therefore technically invalid.

4.0 Landscape Issues:

a. The site is covered by Tree Preservation Order TRE/HE/3/A9 (1957) which is supposed to give protection to existing trees.

b. The loss of some twenty trees comprising Yew, Cypress, Ash, Apple, Horse Chestnut, Poplar, Oak, Sycamore and two groups of Holly trees is proposed together with the possibility of a further 6 trees due to construction (see Clauses 6.12 & 6.15 of the Arboricultural Impact Assessment). This is unacceptable on a TPO site, in the Green Belt and in a Conservation Area.

c. These losses will have an adverse effect on nature conservation and local biodiversity.

d. The conclusions section of the Arboricultural report does not allow for replacement planting.

5.0 Detrimental effect of proposed development on the character of the area:

a. Oakfield House is locally listed and is therefore of significance in the area. The adjacent Adam & Eve public house off the Ridgeway has also been nominated for local listing. Fir Island (originally mirroring Oakfield House) is part of this group of buildings at the east end of the Conservation Area and the loss of the building will be significant. The design of the proposed new building we consider is also out of keeping with this cluster of buildings.

b. It is the Barratt style buildings that are out of context, and these were initially refused by the London Borough of Barnet, but the Council was overruled by the Mayor, who was more interested in the provision of affordable housing than Conservation Area issues.

c. Although the existing building is not listed this is a factor of vital importance considering the proposal is in the Conservation Area and the Green Belt. With the removal of greenery to the front of the site (noted elsewhere), and the provision of large areas of new hardstanding for

cars, plus a close-boarded fence of minimum height 1.8 m to create a new site boundary (see drawing 141-020B Aug 20119), it is clear that the character of the area will be undoubtedly changed.

d. The expected level of increased car parking related to the nursery will also have a significant impact on the character of the area, which was once a couple of rural lanes. It is likely that one hundred parents will be accessing the site twice daily to deliver and collect children. Where will they park? Those who cannot access the site will park upon already very congested roads along the Ridgeway and Burtonhole Lane. As for those who do access the site or park on Burtonhole Lane, the proposed access will be off the east spur of Burtonhole Lane. This lane is already parked up on a daily basis along one side, and the very narrowness of this carriageway makes it, in practice, a one way street. If this number of vehicles enters the site to deliver and collect children, then residents of Burtonhole Lane, Eleanor Crescent, Hillview Road and Burtonhole Close will not be able to use this road for considerable amounts of time daily, and the situation will be aggravated by the heavy traffic (including tractors from Burtonhole Farm, daily grass cutting traffic to and from Mill Hill Sports Club and suppliers visiting Finchley Nurseries) that need constant and timely access. The overspill will therefore be onto the north spur of Burtonhole Lane causing similar problems there. There will of course also be parents using the same roads at the same times to deliver and collect children from the new nursery at Old Camdenian's. All these parking issues will contribute to a change of character and the loss of quiet enjoyment of the area by the existing residents.

6.0 Design issues:

a. The proposed design is of a modern building that is totally out of character with the buildings in the area. Whilst MHPS do not seek 'pastiche design' we would like sympathetic design that is in keeping with the buildings to which it relates most.

b. MHPS are concerned about the materials proposed. We consider the suggested brickwork bears no relation to local buildings, the flat sedum roof is inappropriate when all the surrounding roofs are pitched, and there are no buildings in the vicinity that are completely wooden clad on the upper storeys. This location is a sensitive one and needs a subtle approach to design.

c. The bulk and massing is greater than the existing building on site and we shall discuss this under Green Belt issues. We believe the proposal to be overbearing and out of scale and out of character in terms of its appearance.

7.0 Detrimental effect on a conservation area:

a. We have already covered various issues that relate to the Conservation Area. Conservation Areas now merit special attention in that authorities must give "considerable importance and weight" to desirability of preserving them. There is little doubt that the proposed new nursery would affect the setting of the locally listed building Oakfield House.

b. The subject of archaeology has not been adequately covered in the submission; the Conservation Area Appraisal specifically references the potential for finds to be present, and no desktop study has been submitted covering this aspect. The submission is therefore incomplete.

8.0 Green Belt issues:

a. NURSERY PROVISION DEMAND: The applicant argues that there are "special circumstances" under the National Planning Policy Framework (NPPF) in that there is a large unfulfilled demand in Mill Hill East for nursery places. They go on to state "*There is very special circumstance to override any harm to the Green Belt by loss of openness. This is the provision of a high quality children's nursery in an area with no comparable local provision and to meet*

a specified need...harm is less than substantial. It will be more than compensated by the positive contribution provided by the proposed pre-school facility to the local community"

Whilst the applicant has listed some of the existing nursery provision in Clause 2.7.0 of the Planning Statement, this does not deal with capacity. From our own brief research we have identified a sample of the local capacity available:

- Old Camdenian's (Burtonhole Lane) recently approved application – 19 places
- Belmont Farm nursery recently approved application – 100 places
- Pentavia recently approved application – places unknown
- Mill Hill East Free Church nursery – 20 places
- Grimsdell (Mill Hill School nursery) – 32 places
- St Vincent's nursery – 24 places
- Millbrook Park nursery – 39 places
- Parkside preschool (at Virgin Active Mill Hill East) – 42 places
- Etz Chaim nursery – 26 places
- Goodwyn School nursery 40 places
- Busy Bees (Millway) 78 places
- Bright Little Stars (Bunns Lane) 88 places
- Frith Manor 52 places
- Dollis County School 16 places in pre-school 2+ yrs and 39 places in the Nursery 3+ yrs.

This list shows over 600 places. There may be other nurseries that we have not identified; the number of places listed is taken mostly from Ofsted reports. Many of the nurseries have spaces available. We suggest the argument put forward by the applicant that there is unfulfilled demand is not proven.

b. LACK OF DEMAND: The Applicant acknowledges in their Planning Statement, page 11, clause 6.2.6 the findings of the latest Barnet Childcare Sufficiency Report published in February 2019 that ... "there is not currently a demand for childcare in the Borough this year ... there is clear evidence that by 2025 there will be a demand for additional childcare spaces in the Mill Hill area..." This is evidence that there is falling demand for childcare places and if demand does materialise there is no information pointing to this particular location.

c. INAPPROPRIATE DEVELOPMENT: This is a proposed development in the Green Belt. It is therefore subject to the provisions of the National Planning Policy Framework (NPPF), which states that development in the Green Belt is inappropriate with exceptions listed under Paragraph 149 that include: "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces". Although there is an existing building on the site, the proposed new building is not in the same use and will have a footprint of 336 sq. m much larger than the existing at 202.5 sq. m, - an increase of some 65%. This is an inappropriate development and will lead to a loss of openness in the Green Belt. Clause 143 states "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

d. VERY SPECIAL CIRCUMSTANCES: As ever, the Very Special Circumstances threshold is a very high one. Clause 144 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". The Society believes this proposal does have a greater impact on the Green Belt than the existing development and that it causes substantial harm to the Green Belt as well as causing loss of existing residential units.

e. SITE AVAILABILITY: The Society is aware on other applications for development in the Green Belt there has been a need to demonstrate that the site in question was the only one available to meet the demonstrable need. In our opinion, this application does not prove a demonstrable need nor have they shown that this location is the only site available to them.

The applicant should be demonstrating that all other, more suitably located sites, are not available and why they are not available, in order to demonstrate 'very special circumstances'.

9.0 Legal Planning Issues:

a. Planning history shows conversion from one dwelling house into six flats in April 1978 under general residential (Use Class C3). There was no mention of ancillary use by the NIMR: An adjoining resident claims that the flats have been in use up to the present time.

b. The Barnet Local Plan (Development Management Policies), Policy DM07 Protecting Housing in Barnet is raised as an important issue and reads as follows:

LOSS OF RESIDENTIAL ACCOMMODATION WILL NOT BE PERMITTED UNLESS:

i. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;

ii. where need can be demonstrated and;

iii. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies or;

iv. the location is no longer environmentally suitable and viable for residential use or;

v. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units

In our opinion this Policy is not met because:

i) the proposal is detrimental to the residential amenity

ii) the need has not been demonstrated

iii) this item is not applicable as the demand has not been demonstrated

iv) the location is appropriate for residential use

v) this item is simply not applicable

The proposal fails to comply with this policy, as the development will result in the loss of six flats and the need for the nursery has not been clearly demonstrated.

c. From the same document the Society believes Policies DM13 and DM15 are also relevant.

10.0 In Conclusion:

The Society concludes that this is an unreasonable proposal that does not meet any perceived need in the Borough, is in a location and on a site that is not conducive to the proposed use and will cause significant congestion. We are very concerned that the design is not suitable for the Conservation Area, and that the increase in footprint and built-volume does not comply with NPPF. The development will cause harm to the Green Belt without mitigating special circumstances. There will be loss of protected trees. The Society respectfully suggests that the application be refused. Please be in touch if you require further information.

Yours sincerely

John Living: Honorary Architect

Mill Hill Preservation Society

On behalf of the Committee and the Planning Group