

Mill Hill Preservation Society founded 1949

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

2nd December 2021

Your Ref: **21/5821/FUL**

Our ref: JL /pg/MHPS Planning

Sent by email only to: mansoor.cohen@barnet.gov.uk

Dear Mansoor Cohen,

TOWN AND COUNTRY PLANNING ACT 1990

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

PROPOSAL: *Change of use of, and alterations to, the existing building including a two storey side extension to provide a children's day nursery (Use Class E) with associated changes to hard and soft landscaping. Provision of off-street parking, refuse storage and cycle parking*

PLANNING REFERENCE: *19/5202/FUL*

1.0 Introduction

a. The Committee of the Mill Hill Preservation Society (MHPS) has examined the application on the LBB planning website. We saw the scheme to be submitted on the 2nd August 2021 as presented by the development team and this is covered in Clauses 4.13 to 4.16 of the Planning Statement. Among our committee there was no consensus opinion on the architectural merit of the scheme with some stating it was 'horrendous' while others saying it was a 'reasonable scheme but on the wrong site'. There was, however, a consensus that the scheme would lead to horrendous traffic issues for local residents and businesses. This is confirmed in the minutes of that meeting:

"MHPS Committee were concerned about the addition of more vehicles to the already saturated road system along The Ridgeway with its high number of existing schools. The excess staff parking (potentially 22 staff) would add to the overcrowded surrounding roads and cause more obstruction. Additional parents arriving for drop-off would further exacerbate the traffic situation and the entrance was not at a very convenient or safe location."

b. The site is in the Green Belt and the Conservation Area, and the existing building is locally listed.

c. We note the proposal results in the loss of 6 residential flats.

d. Our comments are based on submitted material and we note the absence of a Travel Plan and children's play area details. These are important omissions for a scheme of this type. The travel plan needs to be dealt with as part of the application documents and not as a section 106 item. The children's play area details will impact the landscape and biodiversity of the site. There is no archaeological desktop study.

2.0 Traffic Issues

Transport Statement by TPA October 2021 (Transport Planning Associates)

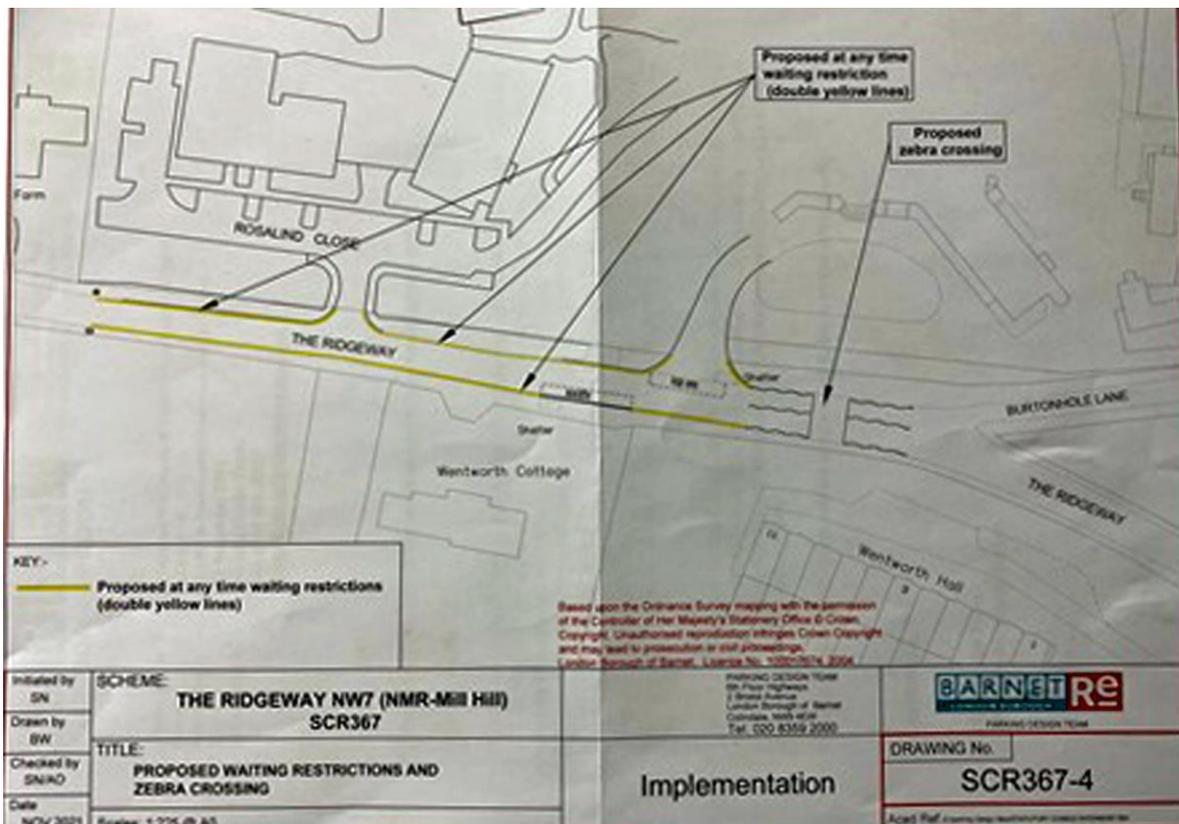
Clause references here relate to the document by TPA dated October 2021.

2.1 Highways Pre-application response: Appendix 1

a. MHPS would like to comment on the document included in the submission the London Borough of Barnet, Traffic and Development, Highways Pre-Application Response. We note that there are no local or London-wide parking standards applicable to nursery use and that each site is judged on its merits. This nursery will cater for 100 children and employ 38 staff. It is expected, except in special circumstances that off-street provision is discouraged at schools in areas with good transport accessibility. However, this site lies within an area with poor access to public transport (PTAL rating of 1b) and as it is stated that some 48% of staff will travel to work by car and this means the scheme should be making available 18 car parking spaces.

b. Under the paragraph on Car Parking Provision the document indicates that there are 55 on-street parking spaces available in the vicinity but MHPS dispute this. The Ridgeway is already overparked and congested and Burtonhole Lane is narrow and on-street parking will disrupt the flow of the larger vehicles that serve the local businesses as well as hindering the flow of traffic for the local residents.

c. Additionally, the Local Highway Authority are intending to double-yellow-line a considerable portion of The Ridgeway which removes many of the parking spaces the Applicant claims to be available. A sketch is included here showing the work intended by the Council.



d. As well as the yellow lines the location of a new pedestrian crossing is shown that will be only a few hundred yards from the one proposed by the nursery. Two crossings in close proximity will only exacerbate the congestion on The Ridgeway especially in peak periods.

e. In the paragraph on Cycle Parking Provision the discussion does not seem to take into account that this site is on a plateau and cannot be reached without climbing steep hills which tend to limit cycle use. Furthermore there is a suggestion that cycle provision is to be made for students and the fact that this proposal is a nursery for very young children has not been taken into account.

f. In the paragraph on the Travel Plan it is suggested that a full Travel Plan will be required and that this can be provided as part of the section 106 agreement if the application is approved. MHPS disagrees with this approach and we believe the details of the Travel Plan need to be submitted and scrutinised as part of the assessment of the proposals as a draft document as a minimum.

g. In the paragraph on 'Delivery and Servicing Arrangements' it is suggested that an on-site refuse provision be made within the site. This has not been proposed and the suggested arrangement simply adds a 'legalised' obstruction into road, potentially adding congestion, and very close to a dangerous junction where Burtonhole Lane splits into two with no clear right of way. Other services vehicles will be expected to use the same area proposed for the drop-off of children and disabled parking, which does not seem acceptable from a health and safety point of view.

From the Main Body of Text of Transport Statement

2.2 Pre-application consultation with highways

a. Clause 1.4 states that a suitably worded planning condition will be acceptable to the Applicant, requiring a car parking management plan to be submitted prior to the occupation of the site. Given the tight constraints of the surrounding lanes and the congestion experienced on The Ridgeway, MHPS finds this proposal unacceptable. The car parking management plan should be an integral part of the planning application detail submitted on which any final planning decision needs to be based.

b. Clause 1.6 states that a Travel Plan can be secured via a Section 106 agreement and we have already challenged this above (see 2.1.f).

2.3 Local and Strategic Highway Network

a. We take exception to Clause 2.16 which is misleading: It correctly states that The Ridgeway (B552) is a single carriageway road (that is subject to part 30 mph and 20 mph speed limits) and implies that Burtonhole Lane is the same size as The Ridgeway and this is not the case. Burtonhole Lane is a semi-rural lane that is quite narrow and takes large vehicles that service the garden centre and other businesses as well as residents cars and domestic deliveries such as Ocado, Sainsbury and Morrisons, as well as Amazon and others.

b. 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 and tractors 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.

2.4 Development Proposals

a. Clause 3.1 references Appendix B that shows a plan with the entrance to the drop-off/deliveries/disabled parking area close to junction with The Ridgeway. At peak times there will traffic backing up waiting to access the drop-off area that could impede the junction with The Ridgeway and cause further congestion on the B552. This will be further exacerbated by the proposed controlled crossing on The Ridgeway.

b. Clause 3.12 claims Burtonhole Lane is lightly trafficked, which in some respects it is, but given the narrowness of the Lane it does not facilitate parked vehicles. Burtonhole Lane adjacent to the site (East side) is parked up already on a daily basis, which narrows it still further and makes it effectively one way.

2.5 Vehicle Trip Generation

a. The whole section 4 of the report on Vehicular Trip Generation and Impact together with TRICS Trip Generation is very technical and we do not have the knowledge to confirm that the examples used are properly suggested and appropriate. Fir Island is a specific location in Mill Hill and the nursery claims to be different in that it is always open apart from weekends and Bank Holidays from 7.00 am to 7.00 pm. We are not convinced that the examples used from other locations are truly equivalent.

2.6 Drop off and Pick up Demand

a. Clause 4.29 discusses the provision of 6 drop-off / pick-up car parking bays. The calculation intended to prove that this is sufficient assumes that there will be an even spread of demand. MHPS does not accept this - we believe that this provision for 100 children will not be adequate and will result in local congestion, especially at the peak periods of the day and evening.

2.7 On Street Parking Capacity

a. We have noted this subject under 2.1.b, c & d but we revert to it as it is crucial to the scheme. The plan shown in Appendix F & G related to the Parking Beat Survey does show the surveyed areas. Yet, the survey fails to acknowledge the future work on The Ridgeway (for instance Ridgeway Views is only half built and the pressure on parking spaces will intensify) that will hinder provision and offset the parking that uses that space. Many of the spaces indicated on The Ridgeway are regularly filled and will be displaced by the proposed double-yellow-lining work. Parking on Burtonhole Lane will reduce it to a single lane where vehicles cannot pass. MHPS suggest this strategy will not prove acceptable.

b. Clauses 4.32 and 4.33 discuss Appendix F & G but due to COVID the May version is misleading and although another survey was undertaken in September the economy was only just recovering. In our opinion it would be more appropriate to undertake the surveys anew so that the current situation could be shown. The Applicant also excluded counts at the stated midday or evening pick-up times, seeking to look at peak hours only, which is not reflective of the hours of demand for parking.

2.8 Conclusions

a. Clause 5.2 states the site is ideal to serve a walk-in catchment and this may be technically correct, however the Society believes that virtually all the drop-off of such young children will be by car, when parents are on their way to or from work, and this suggests the notional models used will prove inappropriate. Additionally, it should be noted that Ridgeway Views has been predominantly marketed as a 'downsizer' development which is, by definition, not a target market for nursery.

b. Clause 5.3 argues that the lack of parking arrangements for staff will encourage sustainable travel, whereas in fact elsewhere in the application it states that it is expected that nearly half the staff will arrive by car. We feel this figure is optimistically low and a higher proportion of staff will arrive by car.

c. Clause 5.4 claims the volume of traffic will be low, but for the reasons we have stated above we feel the whole Traffic Assessment is understated and will have material impact upon queuing and delays at nearby junctions. If the traffic proposals are found wanting then the application should be refused.

d. The Applicant runs a number of other nurseries and at the public consultation event suggested that the proposed arrangements are largely informed by experience. Yet, no evidence from those nurseries has been used to provide any corroboration or qualification to more generalised TRICS data.

3.0 Biodiversity

3.1 Bat Survey Report by Greengage October 2021

a. Clause 6.3 Confirms the presence of pipistrelle day-roosts beneath tiles on the existing roof. The proposed works will cause destruction of these roosts and whilst mitigation is suggested the present bat population will be disturbed and may be lost.

3.2 Ecological Appraisal by Greengage October 2021

a. The report claims that there will be a net biodiversity gain due to the proposals. However turning the green verge along the eastern edge of Fir Island/Burtonhole Lane into a footpath with new pedestrian crossings will be a loss to the neighbourhood – a move away from the rural feel of the site.

b. The footpath will need to be constructed to adoptable standards; no evidence has been provided to demonstrate how this will be done without impacting on root structures of the retained trees. MHPS are concerned that there will be a significantly greater tree loss than shown.

c. The impact of play areas proposed for children, mentioned although not shown, are not considered in the report. Looking on Google at other nurseries run by the Applicant it is clear that extensive outdoor play equipment and space is used and we are intrigued how a wildflower meadow will be maintained. The bustle and noise that accompanies any school is bound to have an impact on wildlife over and above the present residential use. The extensive area taken up will impact planting proposals.

3.3 Biodiversity Impact Assessment by Greengage November 2021

a. Clause 2.2 states there is a high potential to support nesting birds and Table 4.1 indicates that areas of shrub, modified grassland along with the trees score well in providing biodiversity units. However, we feel that the loss of this effectively ‘wild’ area of landscape is being undervalued in the final analysis.

3.4 Tree Survey and Arboricultural Impact Assessment by Greengage November 2021

a. Site trees are protected by virtue of a blanket Tree Preservation Order (Figure 4.1) and by the site being in the Mill Hill Conservation Area.

b. Clause 6.4 states there will be a loss of 2 category C trees, and 2 category U trees and the removal of areas of non-arboriculture shrub mass. The impact assessment does not discuss the likely impact that the new drop-off area will have on nearby trees. Similarly the construction of the plant room and bin stores on the northern boundary (details not shown) and the new footpath will impact trees adjacent.

3.5 Planning Statement on Biodiversity

a. Whilst the planning statement suggests in Clause 6.121 the proposals are acceptable with regards to biodiversity, ecology and trees MHPS believes that there are issues, as set out above, related to bats, loss of wild habitat, potential long-term damage to trees, the impact of children’s play areas and noise on wildlife, and the urbanisation of this part of the locality that have been ignored.

4.0 Appeal Decisions

a. The Planning Statement includes various examples of appeal decisions from which references are taken (Appendix I Appeal Decisions). In spite of the fact that all these examples are for different sorts of work and not for changes of use the examples do show that the schemes in which larger percentage increases have been accepted are more proportionate and in scale with the original building and do not over-dominate the main development. What the Applicant misses is that there needs to be an aesthetic assessment of disproportionality. It is not appropriate to consider the extension of the locally listed building solely in terms of a percentage addition.

b. Further consideration is given in Clause 6.32 of another Appeal case, that states ... *The inspector's approach to an appraisal of the effect on openness was informed by a number of judgements of the Courts, including Euro Garages Ltd v SSCLG & Anor [2018] EWHC 1753 (Admin) (11 July 2018) where the judge indicated that rather than treating any change as having a greater impact on openness of the green belt, the correct approach is to consider the impact or harm, if any, wrought by the change. The judgement added that whether or not any change will have an adverse impact, and so cause harm to openness, might depend on factors such as the scale of development, its locational context, and its spatial and/or visual implications.*

5.0 Planning Arguments

a. Early in the design process the Planning Statement notes that there were pre-application meetings and records that any proposed redevelopment should ensure it accords with Green Belt policy. Officers noted that it would be for the Applicant to demonstrate that the extension would constitute appropriate development within the Green Belt, otherwise the requirement for 'very special circumstances' would apply.

b. In support of the application the Planning Statement relies heavily on Para 149 of the National Planning Policy Framework (NPPF) where Para 149c) is relevant and states: *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.*

c. The argument is not solely about percentages, but also impact. The extension is exactly the same width as the original building and save for it being a flat roof is the same height, it dominates the existing built form and aesthetically challenges it. The extension is far from subservient and in our opinion therefore looks disproportionate and does not comply with Para 149. Furthermore, the design does not contribute in a positive way to the Conservation Area.

d. The Proposal constitutes a material change of use for the locally listed building and its accompanying land, therefore NPPF para 150 applies as do sub-clauses d) and e). Clause d) deals with the re-use of buildings that are of permanent and substantial construction, whilst clause e) considers the material change of use of land. Both aspects are considered to be appropriate development in the Green Belt provided they preserve the openness and do not conflict with the purposes of including land within the Green Belt. As far as we can see the Planning Statement does not refer to NPPF para 150.

e. Paragraph 150 does raise the issue of maintaining the openness of the Green Belt. Guidance has been issued by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government on assessing the impact of a proposal on the openness of the Green Belt. The Courts have identified a number of matters which need to be taken into account in making this assessment. These include, but are not limited to:

- Openness is capable of having both spatial and visual aspects i.e. the visual impact of the proposal may be relevant, as could its volume
- Taking into account any provisions to return land to its original state or to an equivalent state of openness
- The degree of activity likely to be generated, such as traffic generation

f. We have already discussed our opinion on the inappropriate visual impact at Clause 5c. We feel that the proposed extension is disproportionate, therefore we believe Clause 150 is not complied with.

g. The proposal does not maintain a state of openness.

h. We discussed in Section 2 Traffic Issues our concerns about this aspect of the proposal. As stated in the Planning Statement the existing building has been used as residential accommodation for many years, previously as student and academic accommodation but more recently as 6 self-contained flats. The movements associated with and nature of the use of the building has been low intensity and analogous to the residential nature of the area. The proposed use increases the level of activity too and from the site alarmingly, Table 4.2 of the Traffic Assessment shows that there will be 252 daily movements. This is a huge increase in traffic movements over and above the existing residential use.

i. These arguments demonstrate an over-intensification in the use of the site that will have a detrimental impact on the openness of the Green Belt. This is compounded by the Applicant's suggested reliance on on-street parking to accommodate any staff who wish to drive to work and those parents who are dropping off children, or collecting, who cannot get into the absurdly small car park.

j. From this assessment, the only conclusion that can be drawn is that the development proposal is inappropriate development within the Green Belt and as such the 'very special circumstances' test must apply, as required by paragraph 148 of the NPPF and policy DM15 of the Barnet Development Plan. This also applies to Policy G2 (London's Green Belt) that states the Green Belt should be protected from inappropriate development. Development proposals that would harm the Green Belt should be refused except where very special circumstances exist.

k. The Planning Statement does not argue the case for 'very special circumstances' although it does reference the relevant legislation and where it applies in the Appeals noted. Ultimately, the decision will be based on whether the Council believes the very special circumstances of the application before them fulfil a need and outweigh the detrimental impact on the Green Belt. In the meeting we had with the development team they stressed that there was a need for this nursery facility, and that this need satisfied the requirement for 'very special circumstances'. The Society has researched the availability of other nursery facilities and these are shown in our Appendix 1. We did not research childminders.

l. The existence of a range of other nursery options within easy reach in Mill Hill, Woodside Park and Finchley some of which offer year-round, full-day provision, such as Bright Little Stars, Busy Bees, Cherry Blossoms Montessori, Southover in Woodside, Belmont Farm and more, conflicts with the Applicant's claim that this proposed nursery is unique and different from other nurseries in the area.

m. The London Borough of Barnet, Children, Education and Safeguarding Committee in their meeting 11th January 2021 received and discussed The Barnet Childcare Sufficiency Assessment 2020. Clause 1.7 of the minutes of meeting states the following: ... *"The Child Sufficiency Assessment also highlighted two areas for monitoring and development across 2020-2025, which are:*

- *The number of 0-4 year olds living in Barnet is due to grow until 2021, and then decline to be 1.3% less in 2025 compared to 2019.*
- *The number of 5-15 year olds living in Barnet will grow until 2022, and similarly decline slightly until 2025.* [This age range is not really of concern to this application.]

This assessment suggest that a there is no pressing need for nursery accommodation expected in the range 0-4 years, and the Childcare Sufficiency Assessment (CSA) goes on to record at Clause 2.6 'Supply of Childcare' that (and we quote) ... *"based on these figures, it suggests there is sufficient childcare places across the borough"*.

n. Our own research and the finding of the Borough confirm that there is no special demand for this proposed nursery. On the basis that the proposal has a detrimental impact on the Green Belt, that it is inappropriate in the Green Belt, does not contribute to the Conservation Area and does not satisfy any special need, we believe that the case for 'very special circumstances' is not met. On this basis the application needs to be refused.

6.0 Conservation Area

a. The Mill Hill Conservation Area Character Appraisal Statement, Adopted (April 2008), states in Clause 4.3... *"The Ridgeway is a green, open and spacious main road which curves gently through lush surroundings. The scale and formality of the large institutional buildings tend to dominate the neat and tended wide grass verges and pavements, dominant tree line and numerous green openings along its length. However, its enjoyment by pedestrians is restricted to a great extent by the heavy traffic particularly associated with the various schools.* [our emphasis]

b. Obviously, more parking and greater traffic flows associated with the application under review will contribute a greater negative impact, especially with the Conservation Area Appraisal already highlighting traffic as a negative impact in 2008.

7.0 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

John Living: Honorary Architect

Mill Hill Preservation Society

On behalf of the Management Committee and the Planning Group

APPENDIX 1

Existing Childcare/Nursery Provision close to Fir Island

(Within easy driving distance of Mill Hill, Woodside Park and Finchley)

NAME OF NURSERY	DISTANCE (by road)	OPENING TIMES	YEARLY/TERM TIME	AGE CATEGORY
'N' Whetstone, N20 (5 mins walk Whetstone tube)	2.5 miles	7am to 7pm	Year round *opening Spring 2022	3 months to 5 years??
Puddleducks Nurseries, North Finchley N12	2 miles	8am to 6pm	Year round	Babies to school age
Southover Pre School, Woodside Park N12	1.5 miles	7.45am to 6.15pm	Year round	10months to 5 years
Lavendale Montessori, Woodside Park N12	1.5 miles	8am to 6pm	Year round	10months to 5 years
West Finchley Pre School, Nether Street N3	1.7 miles	7am to 7pm	Year round	Babies – 5 years
Mill Hill Pre School (Mill Hill East Free church) NW7	0.5 miles	9.30am – 3.30pm	Term time	2 years – 5 years
Grimsdell (Mill Hill School nursery) NW7	0.5 mile	8.15am to 5.30pm	Term time	3 years+
St Martin's School, Goodwyn Avenue, NW7	1.5 miles	8.10am to 5.30pm	Term time	From 3 years
Millbrook Park nursery, NW7	0.8 mile	8.30am to 3.30pm	Term time	3 years +
Etz Chaim nursery, Daws Lane, NW7	1.0 mile		Term time CLOSED DUE TO LACK OF DEMAND	3 years +
Belmont Farm Nursery The Ridgeway, NW7	0.8 mile	8am to 6pm	48 weeks per year	3months to 5 years
Goodwyn School nursery	0.9 mile	8.30am – 3.45pm <i>*Extended hours available with Breakfast and After School clubs</i>	Term time	3+ years
Bright Little stars. Bunns Lane, NW7	1.5 miles	8am to 6pm	Year round	6 months to 5 years
Busy Bees. Millway, NW7	1.6 miles	8am to 6pm.	Year round	3 months to 5 years
Dollis Pre-School and Nursery, NW7	0.7 mile	Up to 30 hours	Term time	2 years to 5 years

Little Bicks, (Mill Hill Synagogue), NW7	1.6 miles	8am to 5pm	Term time	18 months to 4 years
Cherry Blossoms & Country Cows Montessori, cnr Albert Road / Watford Way NW7	1.3 miles	7.30am to 6pm	Year round	3 months to 5 years
Whiz Kids, Scout Way NW7	1.9 miles	8.15am to 4pm	Term time	2 years to 5 years
Step by Step. Children's House Montessori, John Keeble, NW7	2.4 miles	8am to 4pm	Term time	2 years to 6 years
Frith Manor Primary School, Lullington Garth.	0.8 mile	7.45am to 6.00pm	Term time	Little Acorns 2+ years
St Pauls School, NW7	0.7 mile		Term time	Reception Class entry 4+ years
Langdale Nursery St Vincent's School, NW7	0.3 mile		Term time	Reception Class entry 4+ years
Old Camdenians, Burtonhole Lane, NW7 <i>*Approval granted, not yet open</i>	0.3 mile	7.30am to 6.30pm	Year round	12 months +
The Rocking Horse Nursery Victoria Avenue N3	1.5 miles	7.30am to 6.30pm	Year Round	3 months – 5 years
Bright Horizons, Moss Hall Crescent N12	2.3 miles	7.30am to 6.30pm	Year round	3 months – 5 years
Bright Horizons (formally Active Learning) Moss Hall Crescent N12	1.9 miles	7.30am to 6.30pm	Year round	3 months - 5 years
Busy Bees Woodside Lane N12	2.1	8.00am to 6.00pm	Year round	3 months – 5 years

NB: Entries coloured in yellow also offer year-round, full day nursery provision.