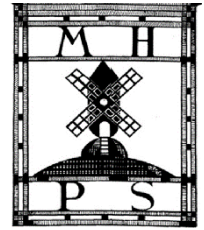


# Mill Hill Preservation Society founded 1949

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*...making change worthwhile*

For the attention of **Ms T Sa Cordeiro**, Principal Planning Officer  
London Borough of Barnet  
Planning & Building Control  
2 Bristol Avenue  
Colindale  
London NW9 4EW

19 September 2024

Your Ref: **24/3269/FUL**

Our ref: LFMHPS Planning

Sent by email only to: [planning.enquiry@barnet.gov.uk](mailto:planning.enquiry@barnet.gov.uk)

Dear Ms Sa Cordeiro,

## **TOWN AND COUNTRY PLANNING ACT 1990**

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

**PROPOSAL:** Change of use and alterations to the existing building to provide a children's day nursery (Use Class E) including a single storey extension and new front entrance following demolition of the existing garage. Associated changes to hard and soft landscaping, provision of off-street parking, refuse storage and cycle parking

**PLANNING REFERENCE:** 24/3269/FUL

### **1.0 Introduction**

The Committee of the Mill Hill Preservation Society (MHPS) has examined the application on the LBB planning website. We note that this application follows the refusal of the previous planning application reference: APP/N5090/W/22/3296889. It is our opinion that the upheld reasons for refusal remain unresolved, and it is unlikely that a nursery scheme of any scale can overcome the concerns expressed by the Inspector.

The key issues are as follows:

- a. The site is in the Green Belt and the Conservation Area.
- b. The existing building is locally listed, and the proposal will not result in the optimal viable use of the property.
- c. The proposal results in the loss of 6 residential flats.
- d. The impact on highway safety.

Our comments are based on submitted material and we wish to note the absence of a School Travel Plan and children play 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 s106 item. The children's play details will impact the landscape and biodiversity of the site. The latter was a key point raised by the Inspector that the applicant has just ignored.

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## 2.0 Green Belt

There are two elements to the Green Belt discussion, the first is the scale of the proposed extension, whilst the second is the functional impact on the Green Belt arising from the proposed nursery use.

### 2.1 Proposed Extension

The proposed extension has been reduced in overall scale, to be more akin to the 25% deemed appropriate for extensions within the Green Belt; however, this does not appear to include the permanent ramp to the rear of the extension, or the additional structures required for buggy and bin storage.

The perception of the extension remains large and dominant with it visually appearing to be the same width as the host property such that it remains prominent within the street scene and overbearing, particularly when the frontage is opened up and the building becomes more visible. These works are only required as a result of this proposed development and will significantly impact on the spatial and visual function of the Green Belt to its detriment.

### 2.2 Functional Impact

The proposal has been reduced from 100 children to 80 children overall; this is welcomed but will still have a significant impact on the Green Belt. The level of traffic movements will be significant, the number of people coming and going and the general activity that will be introduced in the area will fundamentally change the openness of the Green Belt.

For clarity, the level of movements generated by the existing use of the building could be a maximum of 24 movements per day. Using the peak period movements within the Transport Statement only, there is an 86% increase in traffic movements. This will be significantly greater once the full days movements are added.

The Inspector's opinion generally that the proposal would also cause a significant uplift in activity from the general comings and goings of staff, clients, play activity and paraphernalia in the grounds, including parking areas for buggies and cycles and the car park, will also have a significant impact on openness. The reduction to an 80 children capacity does not change this position.

### 2.3 Grass Verges

We note that on the Proposed Master Plan there are two additional pedestrian entrances, both onto Burtonhole Lane, one opposite Oakfield House and one opposite Ridgeway Views. In order for these to be accessed from existing pavements by parents with buggies/toddlers, it would require the existing grass verges running alongside the site to be paved over, resulting in a loss of biodiversity as well as being visually damaging to the character of the Conservation Area.

### 2.4 Conclusion

It is considered that the proposal results in disproportionate additions over and above the size of the original dwelling and fails the test in paragraph 154 of the NPPF.

The change of use of the building is subject to the tests included in paragraph 155 of the NPPF, which does have an openness test. It is considered that the proposed use of the site as a children's nursery will

have a fundamental impact on the openness of the site, by virtue of the general activities and traffic movements associated with the proposed use.

It is therefore considered that the proposal constitutes inappropriate development within the Green Belt for which the applicant is required to demonstrate '*very special circumstances*'.

The position taken by the Inspector in reaching his decision has not changed. The Council's Childcare Sufficiency Assessment (October 2023) still concludes that there is no overriding need for additional provision within the area.

We have local nurseries still advertising current vacancies, as was the case with the last application/appeal, and the applicant has drawn attention to application reference: 22/5042/FUL which is a new nursery delivered in the Borough which is in addition to the those referenced in the Childcare Sufficiency Assessment and not within the Green Belt.

There is no demonstrable need for this nursery in this location that would represent '*very special circumstances*'. Accordingly, this is inappropriate development in the Green Belt and should be refused.

### **3.0 Traffic Issues**

#### **3.1 Local and Strategic Highway Network**

Burtonhole Lane is quite narrow and takes large vehicles that service the garden centre and other businesses as well residents' cars and domestic deliveries. 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.

The proposed two new pedestrian crossings, clearly shown in the Proposed Master Plan, would cause additional traffic chaos, particularly on The Ridgeway in an area where there is already gridlock at various times of the day.

Since the appeal decision, a series of double yellow lines and parking restrictions have been imposed. This has resulted in significantly greater stress on the residual on street parking such that there can be no reliance on this parking by staff or parents. There is now a waiting restriction on Burtonhole Lane opposite the site, restricting any waiting between 8am – 5pm. As the nursery is open outside of these hours, it is likely that parents will seek to drop off between 7am – 8am and 5pm – 7pm to enable drop off to be facilitated. This will lead to an intensity of trips significantly greater than anticipated in the Transport Statement, or parents simply pulling up and ignoring the parking restrictions.

It is noted that a parking management strategy is proposed, but without details there is no indication on how that will be managed or enforcement.

There is a suggestion that parents will park at the Old Camdenians Sports Ground, however, this is simply not realistic, parents are largely dropping children off to go to work, parking in this location or similar locations further away will add an additional 20 or so minutes onto drop off times, it is not attractive in the winter months and there is no guarantee that third party land will be available in the long term. To illustrate this point, Google lists the walk to Old Camdenians as 0.4 of a mile, which would take an adult

9 minutes. Given that the pedestrians are in fact toddlers and nursery-aged children, this is completely unrealistic.

The scheme includes the widening of the footpath along Burtonhole Lane, which will narrow what is already a narrow road, to a level that is likely to prejudice the safe and free flow of traffic, especially with any on-street parking.

### **3.2 Parking & Access Proposals**

The proposal continues to show a parking area for only 8 cars, with the access arrangements now amended to provide for an in-out arrangement. This remains insufficient for the needs of a nursery of this scale and will only serve to exacerbate likely illegal parking.

The access proposals also seem to suggest that vehicles can only enter via The Ridgeway and exit towards the Ridgeway Views development, but no tracking has been provided. What happens when a vehicle looks to enter the site, turning right from Burtonhole Lane? If the existing access is insufficient as the applicant suggests and is being retained to avoid impact to protected trees, then a right-hand turn into the site does not work. There is no mechanism for this to be prevented and not result in parents trying to avoid traffic on The Ridgeway and endeavouring to access the site via Burtonhole Lane.

This approach is ill-conceived, unavoidable and unmanageable.

As endorsed by the Inspector, the applicants' suggestion that a drop off or pick up will only take 8 minutes is ludicrous.

Similarly, whilst the applicant is suggesting that staff will use non-car modes of transport, other planning applications nearby (22/0650/FUL) suggest that recruiting staff is challenging as they need to live so far away to be able to afford to a property that reliance on the bus or train becomes unrealistic as a mode of transport given the hours of work, such that other nurseries in the area have struggled to recruit. Reliance on the car is paramount for staff recruitment and retention in this area, so the 8 parking spaces will just be taken up by staff, as well as any available on street parking, before parents get a look in.

Lastly, we note that a number of the letters of support for the nursery come from people living some distance away that will undoubtedly use a car to drop their children off. This certainly won't be the local facility, especially as there are spaces available in nearby existing nurseries, but will attract people from further afield that need to rely on their car.

### **3.3 Additional Car Use**

Given the lack of need in the immediate area, as most of the local developments are aimed at the retirement market, this scheme will result in additional car use, which the Mayor of London is actively discouraging in all new schemes.

### **3.5 Conclusions**

As identified by the Inspector, this road network is just not suitable for a nursery. We acknowledge that the scheme has been reduced by 20 children, but 80 children is still significant and will have a huge, unmanageable impact on the road network during the morning, lunch and evening pickups. There is no method to control what parents do in terms of their drop off and pick up arrangements nor any

mechanism to control the times they arrive at, particularly given the nature of traffic congestion in the area.

The road network is already over capacity, and this will only exacerbate it in an unacceptable and dangerous manner.

#### **4.0 Heritage Impact**

The site is located within the Conservation Area and is a non-designated heritage asset. The Inspector in reaching his decision gave great weight to the value of the building, its presence in the Conservation Area and the similarities between Fir Island and Oakfield House.

The extension is an improvement on the previous proposal but continues to detract from the form of the host property. It remains a similar width, any nominal set back is lost through the introduction of the entrance between the host property and the extension and whilst the tower is now retained, the front and rear elements of the tower form are lost. The Inspector was particularly critical about the impact of the proposals on the tower and this proposal fails to overcome that impact. The window detailing remains out of keeping with the host property and disproportionate, such that the extension will not appear subservient to the host property but a dominant addition that undermines the character of the non-designated heritage asset.

The impact on the character and appearance of the Conservation Area will also be significant. The existing green frontage will be replaced by the in-out access arrangement, opening up the frontage, widening the footpath and adding utilitarian fencing around the site. The change from a domestic dwelling set in large verdant grounds will be lost and replaced by a civic style building that clearly has a different function. This is further exacerbated by the separate structures required for buggy parking and refuse.

Cumulatively it is considered that the proposal will result in '*less than substantial harm*' to the heritage assets, for which there is a requirement for the scheme to demonstrate that this is the most optimal use of the property and that there is a public benefit.

In his report, The Inspector indicated that he thought that the property could be retained in residential use. Works are required to the host property whether it is retained in residential use or converted to a nursery, so the condition of the building is irrelevant as an argument; further the building need not be retained as 6 flats but could be reconfigured to provide accommodation that is more suitable for modern living. This has not been explored or overcome.

The proposal fails to demonstrate that this is the optimal use for the property and as such does not overcome the harm identified.

#### **5.0 No Local Need for Additional Nursery Provision**

##### **5.1 Local Developments**

We would point out that the adjacent new development at Ridgeway Views has been targeted in their marketing literature by Barratts, the developer, as a downsizing opportunity for older people and also that the main building, Ayrton House, has been bought (since the previous nursery school application) by retirement specialists Birchgrove entirely for "assisted living" arrangements. In addition, Watch Tower House also on The Ridgeway, is being developed by Marstead for the "independent later living" market. None of these developments will provide local demand for an additional nursery school. The application

also mentions the IBSA House (Printworks) site, which is now occupied by London North Studios, therefore not residential and not requiring nursery provision. This suggests that there is no requirement for a Nursery School to be situated specifically at Fir Island. The stated 2km catchment area is somewhat spurious, especially given that much of this encapsulated area comprises Green Belt open space.

## **5.2 Sufficient Alternative Nursery Provision in the Area**

There are inaccuracies in applicant's submission regarding alternative nursery provision in the local area (Planning Statement, Table 7.3). For example, they state that Belmont Farm Nursery on The Ridgeway is term time only, this is NOT the case as they open all year round. In fact, they have 110 places with 41 members of staff (according to their 2022 OFSTED Report). The table also omits to mention a number of other full-day, year-round nurseries in the area. Given that the main demand is unlikely to be from retirement aged residents of Ridgeway Views, it is far more sensible to look towards Finchley/Woodside Park for nurseries to service Millbrook Park. Existing nursery provision therefore already includes Busy Bees in Woodside Park, Southover Pre School 'Blue Room' in Woodside Park, Lavendale Montessori in Woodside Park, The West Finchley Day Nursery in Nether Street N3, Ely Nursery in Finchley Central, Puddleducks in North Finchley and 'N' Nursery in Whetstone amongst others, none of which are mentioned by the Applicant and all of which offer full-day, year-round provision.

We would suggest that since the Covid pandemic, the increased prevalence of 'working from home' and increased working flexibility, means that there is reduced demand for a 12-hour day nursery for the vast majority of working parents. Children attending the nursery would be more likely to need shorter days, meaning that traffic congestion at peak drop-off/pick-up times of 8-9am and 5-6pm would be exacerbated.

## **6.0 Biodiversity**

As set out by the Inspector, there is a lack of information regarding the use of the rear garden, with undoubtedly there being a need to provide play space and equipment for the children to use and to be usable all year round. Other nurseries run by the applicant have used fake grass to create an area of play for children in all conditions.

The report suggests the introduction of new fencing, and there is insufficient information to demonstrate that this can be delivered without the removal of existing shrubs and hedgerows that will significantly reduce biodiversity on the site.

The lack of information results in the inability for the Authority to place any weight on the biodiversity information submitted.

## **7.0 Tree Impact**

Site trees are protected by virtue of a blanket Tree Preservation Order. The scheme has been amended to ensure more trees are retained, however there remain concerns that the sheer level of movement and activity will have a detrimental impact on the root structures, whilst the application is not clear on whether there is a need for a new access roadway required to the existing access that would impact on the trees, or how the footpath widening will impact on the tree root protection areas.

The matters raised by the Inspector in respect of trees has not been addressed as part of this submission. The use of the rear garden for children's outdoor play will likely require works to the tree canopies to improve the light into the space and create a safe environment. Given the lack of information regarding

the outdoor play space, the impact on the trees simply cannot be quantified and as such the Inspector's conclusions remain unaltered and unresolved.

### **8.0 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 a significant impact on the road network and will lead to illegal parking, whilst placing undue pressure on already limited on street parking provision within the area. There will be loss of protected trees and the biodiversity information submitted cannot be relied upon.

The applicant is required to address the previous reasons for refusal, having regard to the Inspector's findings in the previous appeal. This application continues to lack information and simply fails to respond to key elements that led to the conclusion to dismiss that appeal.

We wish to correct the statement made in the application that MHPS was approached as part of the consultation process (as claimed in the 'Statement of Community Involvement' document) – this is not the case. In addition, we have been informed by a number of local residents living in Eleanor Crescent, Hillview Road, Burtonhole Lane and Wentworth Hall that they were not informed by Barnet Council that a new application had been lodged, even when they had objected to the previous scheme.

The Society respectfully suggests that the application be refused. Please be in touch if you require further information.

Yours sincerely,

*Kevin Green*

Mill Hill Preservation Society  
On behalf of the Committee and the Planning Group