Finchley Manor Garden Centre, East End Road
in the London Borough of Barnet
Planning application no. F/01320/12 &
Listed Building consent application no. F/01405/12

Strategic planning application stage 1 referral (new powers)
Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007;
Town & Country Planning (Mayor of London) Order 2008

The proposal
Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full sized open clay court, four full sized covered courts, one open mini court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.

The applicant
The applicant is BDW Trading Limited and The Chandos Lawn Tennis Club Limited, and the architect is Hopkins Architects Partnership.

Strategic issues
Principle of land use, Green Belt/MOL, biodiversity, design and access, sustainable development, parking and transport are the relevant strategic issues to this application.

Recommendation
That Barnet Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 54 of this report; but that the possible remedies set out in paragraph 56 of this report could address these deficiencies. The application does not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

Context
1 On 13 June 2012 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 24 July 2012 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.
2 The application is referable under Category 3D of the Schedule to the Order 2008: “Development on land allocated as Green Belt or Metropolitan Open Land…which would involve the construction of a building with a floor space of more than 1,000 square metres.”

3 Once Barnet Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is located in Finchley and is bordered by East Finchley Cemetery to the west, south and east, and the A504 East End Road to the north. Access to the site is currently gated and achieved via a priority footway crossover junction onto East End Road, which is a borough road. The nearest Transport for London Road Network road (TLRN) is the A406 North Circular Road which is approximately 150m west of the site; however there is no direct vehicular access to the A406 within the roads in the vicinity of the site.

6 Bus route 143, which operates between Brent Cross and Archway, serves the nearest stop located within 50 metres of the site, on East End Road. Services provide links to Hendon and Finchley with a frequency of five buses per hour in each direction. Bus route 232, operating between Golders Green and Turnpike Lane, also serves the site with stops located approximately 350 metres from the site and offering a frequency of three buses per hour via Finchley and Wood Green. There is no London Underground or National Rail station located within acceptable walking distance from the site. The nearest Underground station is East Finchley, which is served by the Northern Line (High Barnet Barnet) with up to 8 trains in each direction per hour and this is located approximately 1.5km south-east of the site and is accessible by bus route 143.

7 As such, the site records a very poor public transport accessibility level (PTAL) of 1b (out of a range of 1 to 6, where 6 is the highest and 1 the lowest).

8 The site is currently occupied by a garden centre and is covered almost entirely by hard standing or buildings. There are four main buildings on the site: a house (occupied); a large greenhouse (largely derelict); a boiler house building (largely derelict); and two outbuildings. All are in a dilapidated state.

9 The site is designated as Metropolitan Open Land and is situated along the boundary with the Hampstead Garden Suburb Conservation Area. The site itself is not within the Conservation Area but it is surrounded by it. 122 East End Road is a Listed Building as are the neighbouring cloister and Chapel.

10 The area surrounding the Garden Centre site is predominantly residential in character, with the Hampstead Garden Suburb to the south, and residential uses on the opposite side of East End Road, to the north. The residential accommodation in this area is characterised by large detached and semi-detached family houses, particularly within the Hampstead Garden Suburb Conservation Area, with some more recent flatted developments located immediately opposite the site providing 2 and 3 storey buildings for D1 and B1 uses with basement parking.
Details of the proposal

11 The application is for the relocation of the Chandos Lawn Tennis Club which is currently located in Golders Green. The club’s current site will be redeveloped for housing once the new facility is constructed and this site is subject to a separate planning application which is not referable to the GLA.

12 The development description of the proposal is:

Demolition of non-listed buildings and structures and redevelopment to provide a private tennis club with four full sized open clay courts, four full sized covered courts, one open mini court, a single storey clubhouse including restaurant and changing facilities, storage, car and cycle parking, landscaping, and other associated works and relocation of gate on the listed north boundary wall and associated reinstatement and repair works.

Case history

13 An application for conversion of existing buildings for medical care centre, demolition of glasshouses to form gardens with single storey day visitors’ centre and formation of 41 car parking spaces was approved in September 2008. The application was not referred to the GLA.

14 In August 2009 an application (PDU/1498A) was submitted for ‘Demolition of existing buildings and erection of a one-storey building (with additional accommodation at lower ground) for use as medical centre together with formation of 41 car parking spaces within landscaped forecourt.’ The application was broadly supported by the GLA but was refused by Barnet Council on the following grounds: insufficient delivery of sustainable development, insufficient cycle parking, and failure to meet Section 106 obligations.

15 In March 2010, full planning permission was granted for demolition of existing buildings and erection of a one-storey building (with additional accommodation in basement) for use as medical centre together with formation of 49 car parking spaces within landscaped forecourt. The scheme was referred to the Mayor and it was supported (PDU1498b).

Strategic planning issues and relevant policies and guidance

16 The relevant issues and corresponding policies are as follows:

- Urban design London Plan;
- Mix of uses London Plan
- Transport London Plan; the Mayor’s Transport Strategy;
- Crossrail London Plan; Mayoral Community Infrastructure Levy;
- Parking London Plan; draft Early Minor Alteration to the London Plan; the Mayor’s Transport Strategy
- Open land London Plan; East London Green Grid SPG;
- Green Belt/MOL London Plan
- Biodiversity/Geodiversity London Plan; the Mayor’s Biodiversity Strategy; draft Tree and Woodland Strategies; London’s Foundations (Geodiversity) SPG
- Access London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
- Historic Environment London Plan
17. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2012 Barnet Core Strategy, the saved policies of the 2006 Barnet Unitary Development Plan and the 2011 London Plan.

18. The following are also relevant material considerations:

- The Revised Early Minor Alteration to the London Plan

**Land use principle**

19. London Plan policy 3.19 Sports Facilities sets out that proposals for new or enhanced sports facilities will be supported. As such the use proposed is acceptable in principle.

20. The application site is in designated Metropolitan Open Land. The London Plan states that the strongest protection should be given to London’s Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt.

21. The National Planning Policy Framework states that the Government attaches great importance to Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

22. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

23. The NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

24. The NPPF sets out that new buildings are inappropriate in the Green Belt. Some exceptions to this are set out including provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing...
use (excluding temporary buildings), which would not have a greater impact on the openness of
the Green Belt and the purpose of including land within it than the existing development.

25 Given that the use of the land is for a tennis club and club house and the development is
proposed on a site that was previously used for a garden centre the development has the potential
be considered appropriate.

26 As set out below the proposed development does not raise any strategic design issues. The
Council should assess whether the proposal has a greater impact on the openness of the MOL than
the garden centre and glass houses that are currently on the site. If the proposed development has
the same or less impact on openness then the proposal can be said to be appropriate development.

27 If it does increase impact on openness then very special circumstances would need to be
put forward for the proposal.

**Urban design**

28 Good design is central to all objectives of the London Plan (2011) and is specifically
promoted by the policies contained within chapter seven which address both general design
principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design
principles for development in London. Other design polices in this chapter and elsewhere in the
London Plan include specific design requirements relating to maximising the potential of sites, the
quality of new housing provision, tall and large-scale buildings, built heritage and World Heritage
Sites, views, the public realm and the Blue Ribbon Network. New development is also required to
have regard to its context, and make a positive contribution to local character within its
neighbourhood (policy 7.4).

29 From that material submitted the proposed development appears to have the potential to
be a high quality development and this is welcomed.

30 The cemetery forms part of a conservation area and is also grade-Il* listed. It contains
several listed buildings, one of which (a substantial grade-Ii listed gate lodge with associated
railings, gates and piers) is to the immediate east of the site. Several others are within close
proximity to, and are visible, from the site. Existing buildings on the site have minimal architectural
value and would be removed. The surrounding cemetery land, which is generally open although
punctuated by mature trees, is Metropolitan Open Land (MOL) and is therefore of strategic
importance. In this case, given the open character of the affected land and views towards the site,
heritage and MOL views considerations are similar.

31 The views assessment submitted with the application demonstrates that the proposals
would not obscure views of important listed structures, from both inside the MOL, and from
surrounding public viewpoints. The proposed roof of the covered tennis courts would be the most
visible structure, and would appear incongruous in some views from within the cemetery. The
structure’s impact is mitigated through the choice of materials and vegetation. The fabric roof of
the structure would have a light colour that is likely to be more visible on clear days, but less so
when overcast. As set out above the Council should assess whether the proposal has an increased
impact on openness from the existing buildings on-site.

32 Within the site, the layout would be effective and accommodate a similar number of
facilities as the club’s existing site, even though the application site would occupy a smaller area.
Courts would be arranged in accordance with the Lawn Tennis Association’s guidance. The
restoration of the street frontage railings, to match the originals and the similar, listed treatment
on the cemetery frontage, is welcomed. Although there would be removal of a small number of
reasonably healthy mature trees, the remaining trees and enhanced planting around the site is likely to reduce this impact.

33 As such the proposed development does not raise any strategic design issues although the Council should assess the impact on openness.

Climate change

34 The London Plan climate change policies set out in Chapter 5 collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 ‘minimising carbon dioxide emissions’ sets out an energy hierarchy for assessing applications, London Plan Policy 5.3 ‘Sustainable design and construction’ ensures future developments meet the highest standards of sustainable design and construction, and London Plan Policies 5.9-5.15 promote and support effective adaptation to climate change. Further detailed policies on climate change mitigation and adaptation are found throughout Chapter 5 and supplementary guidance is also given in the London Plan sustainable design and construction SPG.

Climate change mitigation

35 It is understood that the covered courts will be naturally ventilated and that no cooling or heating is proposed. An energy strategy for the clubhouse has been submitted with the application which sets out that energy efficiency measures are proposed which would reduce carbon dioxide emissions by 5.5%. The applicant should confirm that this reduction is against Part L 2010 of the Building Regulations and also confirm the measures proposed in order for GLA officers to make an assessment as to whether these have been maximised. In addition solar thermal panels and photovoltaic panels are proposed which would further reduce carbon dioxide emissions by 2.5% making a total reduction of 8%.

36 If after confirmation of the energy efficiency savings the level of carbon dioxide savings remains below 25%, in line with London Plan policy 5.2, the shortfall may be made up for off site via a cash in-lieu contribution. Further guidance on how this will be quantified will be set out in a replacement Sustainable Design and Construction SPG. However, as an interim position, the Department for Communities and Local Government has issued a working assumption that would cap the price of carbon dioxide at £46/tCO2 PA over 30 years (46 x 30 = £1,380/tCO2). This figure would be applied to the development’s shortfall.

37 Quantitative data regarding baseline carbon dioxide emissions and projected reductions (in tonnes of carbon dioxide) for each stage of the hierarchy should be supplied in order to assess the shortfall and calculate the contribution required.

Climate change adaptation

38 A range of water efficiency measures are proposed together with rainwater harvesting and grey water recycling for toilet flushing. A green roof is proposed for the clubhouse building and this is supported.

Transport

39 It is proposed that the existing vehicular site access on East End Road will be removed as part of the development proposals and a new access will be created on the northwest corner of the site. The new access will be wider than the existing one and will consist of a bell-mouth arrangement to improve visibility between pedestrians flow on the footway and vehicles emerging from the site. TfL recommends that the local highway authority should ensure that the design of
the proposed access changes has no adverse safety impact to pedestrians and cyclists in the vicinity.

40 It is proposed to provide 41 car parking spaces on site. TfL requires justification for this level of provision as the parking accumulation survey presented in the transport statement (TS) shows a maximum of 27 vehicles would be parked at any one time. Clarification is also sought on whether the proposed tennis club will be holding any events which would attract additional visitors/spectators and which might increase demand for parking.

41 The applicant should clarify the number of disabled parking spaces to be provided as well as any provision of electric vehicle charging facilities to ensure London Plan compliance.

42 A total of 26 cycle parking spaces in the form of Sheffield Stands will be provided; this is welcomed by TfL as compliant with London Plan standards. The facilities should be secured covered and can be easily accessed by cyclists to ensure it would fully comply to London Plan Policy 6.9 - Cycling.

43 TfL considers that a pedestrian environment review system (PERS) audit or similar assessment should be undertaken on the route between the site and bus stops in the vicinity to identify potential improvements in order to comply with London Plan policy 6.10 Walking. TfL would expect that any identified improvements required be borne by the applicant through s106 or s278 agreement.

44 In terms of public transport impact, given the nature and location of the proposal, TfL accepts that the anticipated increase in demand for passenger transport services resulting from this proposal would be insignificant.

45 The applicant should produce a travel plan to encourage staff/visitors to travel by non car based modes of transport in line with London Plan policy 6.3 Assessing Effects of Development on Transport Capacity. TfL expects the travel plan to be secured, monitored, reviewed, and enforced through the s106 agreement.

46 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor’s CIL will contribute towards the funding of Crossrail.

47 The Mayor has arranged boroughs into three charging bands. The rate for Barnet is £35/sq.m. The required CIL should be confirmed by the applicant and council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations: http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents as amended by the 2011 regulations: http://www.legislation.gov.uk/uksi/2011/987/made

48 London borough councils are also able to introduce CIL charges which are payable in addition to the Mayor’s CIL. Barnet Council has yet to adopt a scheme.

49 In summary, the following issues should be addressed for the proposal to be considered compliant with the transport policy of the London Plan:

(a) Clarification required for additional trips generated during event days and demand for car parking;
(b) Undertaking of a PERS audit and investigation of safe pedestrian routes to/from the site to improve accessibility to local bus stops;

(c) The securing of a CLP, DSP and travel plan via appropriate conditions;

(d) Confirmation of disabled parking provision and electric vehicle charging points for the site.

50 In summary, TfL considers that the proposed development would be unlikely to result in any significant adverse impact to the transport network; however the issues raised above should be addressed to ensure the proposals comply with the transport policies of the London Plan

Local planning authority’s position

51 The local planning authority’s position is not currently known.

Legal considerations

52 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

53 There are no financial considerations at this stage.

Conclusion

54 London Plan policies on sport, greenbelt/MOL, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Land use principle:** The provision of a sporting facility is acceptable in principle. The use has the potential to be appropriate development in the Green Belt given its use and provided it does not have a greater impact than the existing buildings. The Council should assess whether the proposal has a greater impact on the openness of the MOL than the garden centre and glass houses currently on the site.

- **Urban design:** there are no strategic design issues.

- **Climate change:** Further information is needed and commitments made before it can be said that the application complies with the London Plan.

- **Transport:** further information and commitments are required.

55 Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan.
The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Climate change**: The applicant should confirm that the carbon dioxide savings quoted are reductions on part L 2010, details should be submitted of the energy efficiency measures proposed and quantitative data regarding baseline carbon dioxide emissions and projected reductions (in tonnes of carbon dioxide) for each stage of the hierarchy should be supplied. If after confirmation of the energy savings the proposal still falls short of the targets set out in London Plan policy 5.2 a cash in-lieu contribution will be required.

- **Transport**: The following information and commitments are needed: Clarification of potential additional trips generated during event days and demand for car parking; undertaking of a PERS audit and investigation of safe pedestrian routes to/from the site to improve accessibility to local bus stops; the securing of a CLP, DSP and travel plan via appropriate conditions; and confirmation of disabled parking provision and electric vehicle charging points for the site.

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