**23/3816/FUL - Land On The North West Side Of Mays Lane**

**‘Without prejudice’ - Suggested Conditions**

**Should the Inspector be minded to allow this appeal, and without prejudice to the council’s case, it is requested that this is subject to the following suite of planning conditions being imposed.**

**Plans and technical documents**

1 The plans / technical documents accompanying the planning application are:

Site Location Plan

002 PO1 - Existing site and block plan

003 PO3 - Proposed site plan (superseded by 23\_1285 003 P07 – Proposed Site Plan)

005 PO2 - Proposed dayroom

006 PO1 - Proposed refuse store

Preliminary Ecological Appraisal dated 14/11/2023

Planning statement dated August 2023

The additional plans / technical documents accompanying the planning appeal are:

Planning

Assessment on need for gypsy and traveller pitches in Barnet dated June 2024

Draft witness statement of PC

Draft witness statement of JC

Ecology

Great crested Newt EDNA Report dated June 2024

Precautionary Method of Working (Ecology) dated November 2024

Trees

Arbtech Arboricultural Survey to BS5837:2012 with accompanying Arboricultural Impact Assessment dated 30 April 2024

Flood

Existing Site and Block Plan, Green Planning Studio, Ref. 23\_1285, 002, August 2023

Proposed Site Plan, Green Planning Studio, Ref. 23\_1285, August 2023

FloodSmart, Flood Risk Assessment, GeoSmart Information, April 2024, Ref. 81841R1

SuDSmart Plus Sustainable Drainage Assessment produced by Geosmart Information on

19/12/2024, reference 81841.01R3

Highways

JPH statement D1 dated June 2024

JPH Statement dated June 2024 – D1 Appendices 240302

23\_1285 000 P07 - Drawing Issue Sheet

23\_1285 003 P07 – Proposed Site Plan

23\_1285 JPH1 PO1 - Vehicle Swept Paths

23\_1285 JPH2 PO1 - Left-turn Entrance - Vehicle Swept Path

23\_1285 JPH3 PO1 - Right-turn Entrance - Vehicle Swept Path

23\_1285 JPH4 PO1 - Left-turn Exit- Vehicle Swept Path

23\_1285 JPH5 PO1 - Right-turn Exit- Vehicle Swept Path

**Standard Time Limit**

2. This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

**Use / Temporary Use**

3. The use hereby permitted shall be carried on only by the following: Mr. Patrick Casey, Mrs. Elizabeth Casey, Mr. James Casey, Mrs. Angela Casey and their resident dependants, and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

Reason: A strictly personal permission is granted for temporary consent having regard to the special circumstances appertaining to this case, in accordance with Policies CS NPPF and CS1 of Barnet's Adopted Core Strategy (2012), and Policy DM01 of the Local Plan Development Management Policies DPD (2012).

4. When the site ceases to be occupied by those named in condition 3 above, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

Reason: To ensure that the development does not prejudice the character and appearance of the locality in accordance with Policies CS NPPF and CS1 of Barnet's Adopted Core Strategy (2012), and Policy DM01 of the Local Plan Development Management Policies DPD (2012).

5. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason: Having regard to the special circumstances appertaining to this case, in accordance with Policies CS NPPF and CS1 of Barnet's Adopted Core Strategy (2012), and Policy DM01 of the Local Plan Development Management Policies DPD (2012).

6. No more than 2 touring caravan(s) and 2 mobile homes, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time. The paddock areas shown on the approved plan shall only be used for the purposes of grazing.

 Reason: To ensure that the development does not prejudice the character and appearance of the locality in accordance with Policies CS NPPF and CS1 of Barnet's Adopted Core Strategy (2012), and Policy DM01 of the Local Plan Development Management Policies DPD (2012).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be constructed and no areas of hard surfacing installed, other than as hereby permitted and shown on drawing No 003 Rev P07.

Reason: To ensure that the development does not prejudice the character and appearance of the locality in accordance with Policies CS NPPF and CS1 of Barnet's Adopted Core Strategy (2012), and Policy DM01 of the Local Plan Development Management Policies DPD (2012).

8. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site and there shall be a maximum of one commercial vehicle per pitch.

Reason: In the interest of highway and pedestrian safety and to accord with Policies CS4 and CS9 of the Local Plan Core Strategy DPD (2012), Policy DM17 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU06

9. No commercial activities shall take place on the land, including the storage of materials.

Reason: To ensure that the development does not prejudice the character and appearance of the locality in accordance with Policies CS NPPF and CS1 of Barnet's Adopted Core Strategy (2012), and Policy DM01 of the Local Plan Development Management Policies DPD (2012).

**Ecology**

Protective Barrier Fencing

10. Prior to commencement of any works including ground clearance works, a protective barrier shall be installed to enclose the that may be present, from the proposed demolition and construction as per the guidance outlined in the British Standard BS 5837:2012 Trees in Relation to Demolition and Construction – Recommendations sections 6.1.2 and 6.1.3. The protective barrier shall be installed under by suitable qualified ecologist or appropriately qualified person.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan 2021.

Ecological Supervision of Works

11. No development (including vegetation clearance) shall commence until an appropriately competent ecologist has been appointed and is present onsite to provide an Ecology Toolbox Talk, to conduct a pre commencement site inspection for evidence of any protected and notable species, and habitats, in accordance with the thereafter approved Construction and Environmental Management Plan.

The ecologist must supervise all activities and works that involve the disturbance or loss of habitats and log piles that may support amphibians, wild mammals and nesting birds.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statuary wildlife protection legislation.

Detailed bat sensitive lighting strategy with lighting assessment.

12. Prior to occupation, a detailed bat sensitive lighting strategy and lighting assessment for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All artificial lighting shall be designed in accordance with the lighting specification, avoidance and mitigation measures outlined with the Guidance Note 08/23 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2023)

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

Biodiversity Enhancement Plan

13. Prior to occupancy of the development the details the specification, location, including height, orientation, of the recommended ecological enhancement features including:

2 x Woodstone bat roost box (or similar alternative) on mature retained trees, 2 x Schwegler Bird Nest Box (buildings/or mature trees), 1 x insect hotel, 2 x hibernacula and the location, density and species composition of biodiverse planting and/or seeding shall also be submitted and approved by the local planning authority.

The approved biodiversity enhancement measure shall be installed on site prior to first occupancy in accordance with guidance ‘Designing for Biodiversity a technical guide for new and existing buildings (RIBA), and the thereafter approved enhancement plan.

Reason: To enhance the biodiversity value of the site beyond its current baseline.Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

Construction and Environmental Management Plan

14. No site works or development (including any temporary enabling works, site clearance, demolition, ground works, vegetation clearance) shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) submitted shall include, but not be limited to, the following:

i. summary of potentially damaging activities;

ii. Identification of “biodiversity protection zones”;

iii. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on protected and notable species, and habitats.

iv. the location and timing of sensitive works to avoid harm to biodiversity features;

v. the times during construction when specialist ecologists need to be present on site to oversee works;

vi. responsible persons and lines of communication;

vii. the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

viii. use of protective fences, exclusion barriers and warning signs.

ix. contingency measures if any protected species are discovered during the approved works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.’

Reason: To ensure that protected and notable species great crested newts are safeguarded throughout the approved works. Pursuant to the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitat and Species Regulation 2017, and in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

Precautionary Working Method

14a. The measures outlined within the approved Precautionary Method of Working (Ecology) (ACJ Ecology Ltd, November 2024) shall be adhered to and implemented throughout the consented works in accordance with the approved details.

If in the event that great crested newts are encountered at any point during the consented works then all activities onsite must halt and the applicant must obtain an approved European Protected Species (ESP) licence from Natural England prior to any recommencement of works.

Reason: To ensure that protected and notable species great crested newts are safeguarded throughout the approved works. Pursuant to the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitat and Species Regulation 2017, and in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

**Landscaping / Tree protection**

Levels

15. a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason:

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012).

Landscaping

16. a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

Excavations

17. a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012)

Tree Protection

18. a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012).

Green Roof

19. a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012).

Landscape Management Plan

20. a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

Enclosures

21. Prior to occupation of the land the following details of enclosure shall be, submitted and approved by the Local Planning Authority and installed. a) details of the gateway to Mays Lane and entrance to the hard standing, that will prevent livestock from escaping. b) Details of internal fencing along the driveway and around the hardstanding areas.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

**Highways**

22. Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 15 cycle parking spaces (4 long stay and 2 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet’s Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

23. No site works including demolition or construction work shall commence until a Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

ii. site preparation and construction stages of the development;

iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. details of contractor’s compound and car parking arrangements;

ix. Details of interim car parking management arrangements for the duration of construction;

x. Details of a community liaison contact for the duration of all works associated with the development.

xi. Provision of a competent banksman.

 Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

24. No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 278/184 of the Highways Act for these works any and reinstatement of the footway along the site frontage and any consequential damage to the public highway resulting from the proposed development. All off-site highway works shall be carried out fully implemented to the satisfaction of the Local Highway Authority prior to first occupation of the development. All off-site highways works must be completed to the satisfaction of the local highway authority prior to first occupation of the development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet’s Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

25. The applicant shall carry out a “before” and “after” condition survey of the agreed route to be utilised by all construction traffic. The “before” survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The “after” survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the “before” survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

26. Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet’s Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

27. a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

**Flood Risk**

28. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the following agreed reports

* FloodSmart, Flood Risk Assessment, GeoSmart Information, April 2024, Ref. 81841R1
* SuDSmart Plus Sustainable Drainage Assessment produced by Geosmart Information on 19/12/2024, reference 81841.01R3

a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3%

Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

b) Full results of the proposed drainage system modelling in the above-referenced storm

events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance,

storage, flow control and disposal elements and including an allowance for urban creep,

together with an assessment of system performance;

c) Detailed drawings of the entire proposed surface water drainage system, attenuation and

flow control measures, including levels, gradients, dimensions and pipe reference

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policies SI 12 and SI 13 of the London Plan (2021), Policy CS13 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU06.

**Other**

Materiality

29. a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

Cooking and fire (Smoke control area)

30. a) No development other than demolition works shall take place until a detailed assessment for kitchen extraction, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority,

b) No outdoor cooking or fires is permitted as the site is located within a designated smoke Control Area. The use of gas heaters is compliant.

c) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To mitigate against potential risk within a smoke control area and to ensure that the amenities of neighbouring occupiers are not prejudiced by odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012), Policy CS14 of the Local Plan Core Strategy adopted 2012) and Policies D13 and D14 of the London Plan 2021.