

DECISIONS OF THE PLANNING AND ENVIRONMENT COMMITTEE

20 JULY 2011

COMMITTEE

*Councillor Wendy Prentice (Chairman)

*Councillor Maureen Braun (Vice-Chairman)

Councillors:

*Anita Campbell

*Jack Cohen

*Claire Farrier

*John Marshall

*Mark Shooter

*Stephen Sowerby

*Andreas Tambourides

*Jim Tierney

*denotes Member present

\$denotes absent on Council business

1. MINUTES (Item 1):

RESOLVED – That the decisions of the meeting of the Committee held on 14 June 2011 be approved as a correct record.

2. ABSENCE OF MEMBERS (Item 2):

None

3. DECLARATION OF MEMBERS' INTERESTS (Item 3):

Member:	Subject:	Interest Declared:
Councillor John Marshall	H/01226/11 – Wyevale Garden Centre, Daws Lane, London, NW7 4SL Mill Hill Ward	Personal and Non-prejudicial as Councillor Marshall has on occasion bought flowers from Wyevale Garden Centre and his son used to work there. Councillor Marshall took part in the discussions and voted on the item.

4. PUBLIC QUESTION TIME (Item 4):

Questions were received from six members of the public on application H/01226/11 – Wyevale Garden Centre, Daws Lane, London, NW7 4SL and answered by the Chairman of the Committee, Councillor Wendy Prentice. Details of the substantive questions and of the answers given are attached. Verbal responses were given to supplementary questions at the meeting.

5. MEMBERS' ITEMS (Item 5):

None

6. TOWN AND COUNTRY PLANNING ACT (1990) – H/01827/11 – Deerfield & West Hendon Social Club, 1-3 Station Road, London, NW4 4QA - Nofax Enterprises - Demolition of existing buildings on site and construction of a part 3 part 4 storey building of 18 residential units and 2 office (Class B1a) units with off street parking at lower ground level for 16 vehicles (West Hendon Ward)

The Assistant Director of Planning and Development Management circulated an addendum to the report. Having heard oral representations from Mr Mushtaq Rehman objecting to the application and the applicant's response, the Committee resolved to;

APPROVE the application subject to the following:

- (1) The completion of a satisfactory S106 Agreement to secure the following:
- a) A contribution of £35,000 index linked towards public realm improvements in the area.
 - b) The applicant shall enter into a Travel Plan that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development.
 - c) A contribution of £5,000 Index linked towards the monitoring of the Travel Plan for the development.
 - d) A contribution of £21,010 index linked toward education provision in the Borough.
 - e) A contribution of £3,118 index linked towards library provision within the Borough.
 - f) A contribution of £15,964 index linked towards the provision of Health Facilities within the Borough.
 - g) Residents of the proposed development will be excluded from obtaining resident and visitor parking permits for the West Hendon Controlled Parking Zone (Zones WH1, WH2 and WH3).
 - h) The contribution of a sum of £2,400 index linked towards the monitoring and management of the S106 planning obligations.
 - i) Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements.
 - j) All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (2) That upon completion of the S106 Agreement specified in recommendation 1 above, the Assistant Director of Planning and Development Management approve the planning application reference H/00309/11 under delegated powers subject to the following conditions:
1. This development must be begun within three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1105/G/001 Rev E; 1105/G/002 Rev D; 1105/G/003 Rev A; 1105/G/100 Rev H; 1105/G/101 Rev G; 1105/G/102 Rev E; 1105/G/103 Rev E; 1105/G/104 Rev E; 1105/G/105 Rev G; 1105/G/106 Rev C; 1105/G/201 Rev F; 1105/G/203; 1105/G/204 Rev A; 1105/G/210 Rev A; 1105/G/211, 1105/R/001 Rev B.
 3. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

4. A scheme of hard and soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.
5. 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 development, whichever is sooner.
6. Any 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.
7. Before the development hereby permitted commences, details and samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority, including, but not limited to:
 - Sample glazing with window/door frame(s)
 - Balustrade and edge detail
 - Sample area (c1m x 1m) of glazing to stair cores showing opening light and frame.
 - Roofing materials, including roof parapets and overhangs
 - Typical rainwater goods (section of gutter, downpipe etc)
 - Sample area of render (c1m x 1m).
 - Sample area of brickwork (Note: A sample wall should be erected indicating proposed pointing).
 The development shall be implemented in accordance with such details as approved.
8. Notwithstanding the submitted plans before the development hereby permitted is commenced the following construction details at 1:20 scale shall be submitted to and agreed in writing by the Local Planning Authority:
 - Windows and doors.
 - Area of glazing to stair cores
 - Balconies.
 - Roof parapets and overhangs.
 - Rainwater goods (gutters, down pipes etc)
 - All plant at roof level - including lift motor
 - Gates and Railings
 All works shall conform to those approved.
9. Notwithstanding the submitted plans before the development hereby permitted is commenced the following setting out details shall be submitted to and agreed in writing by the Local Planning Authority:
 - a. Locations of all rainwater goods (RWPS and gutters) must be set out on elevations for approval prior to construction.
 - b. Locations of all service intakes and meters (no meter boxes to be visible on front facades)
 - c. Location of movement joints in render and brickwork.
10. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
11. Details of any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

12. The development is required to meet a Code level of 4 in accordance with the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and as detailed within the submitted Sustainability Statement by Waterman Energy, Environment and Design Ltd. Dated April 2011. Before the development is first occupied the developer shall submit certification of the development's achievement of a Code Level of 4.
13. Before the permitted development is occupied details of refuse collection and servicing arrangements shall be submitted to and agreed by the Local Planning Authority
14. Notwithstanding the plans submitted, before development commences, details of the layout of spaces, gradients within the car parking and circulation within the car parking areas shall be submitted to and approved by the Local Planning Authority and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.
15. The development hereby permitted shall not be occupied until a Parking Management Plan detailing the allocation of car parking spaces, on site management of the car parking spaces, controls/maintenance of the opening/closing of the access gate including dealing with any enforcement of unauthorised parking, has been submitted to and approved by the local planning authority. The Parking Management Plan shall be implemented before occupation and shall be maintained thereafter.
16. The development hereby approved shall not be occupied until any existing redundant crossovers are reinstated to footway by the Highway Authority at the applicant's expense.
17. The development shall not be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. All of the spaces shall be permanently retained thereafter.
18. Prior to commencement of development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details. This statement shall include, but not be limited to, the following information:
 - a. details of the routing of construction vehicles to the site and access and egress arrangements within the site;
 - b. site preparation and construction stages of the development;
 - c. 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;
 - d. 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;
 - e. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - f. 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;
 - g. noise mitigation measures for all plant and processors;
 - h. details of contractors compound and car parking arrangements;
 - i. Details of interim car parking management arrangements for the duration of construction;

- j. details of precautions to minimize damage to protected species and habitats in particular from site clearance works including soil moving and material storage, vehicle and machinery movements, removal and disposal of excess soil, debris and materials from the site;
 - k. Details of action to be taken and mitigation measures to be employed should any protected species be found or disturbed on the site.
19. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.
20. Before development commences other than for investigative work:
 A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
 If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- a. a risk assessment to be undertaken,
 - b. refinement of the Conceptual Model, and
 - c. the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

21. The level of noise emitted from the boiler, lift and ventilation plant, hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
 If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as

- measured from any point 1 metre outside the window of any room of a neighbouring residential property.
22. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.
 23. The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the B1(a) Uses as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.
 24. Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, and detailing any required mitigation measures for the proposed development shall be submitted to and approved in writing by the LPA in consultation with Environmental Health officers. The approved mitigation measures shall be implemented in its entirety before any of the units are occupied.
 25. The Office Units (Class B1a) at ground floor level of the building hereby approved as shown on plan '1105/G/101 Rev G' shall be occupied for uses falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose unless otherwise agreed in writing with the Local Planning Authority.
 26. Prior to occupation of the B1a office units on the ground floor a submission of details of their proposed hours of use shall be submitted to and agreed in writing by the Local Planning Authority.
 27. Notwithstanding the details shown before the development commences details of all the proposed energy generation and energy efficiency measures to be implemented as part of the development, such as photovoltaic panels, shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the reductions in carbon dioxide emissions resulting from the design approach and technologies used and include any carbon emissions from unregulated energy usage not covered by the Building Regulations when specifying any carbon dioxide savings. The measures shall be installed as approved and fully operational prior to the occupation of the building and thereafter permanently maintained as such.
 28. The roof of the development hereby permitted (apart from specified roof gardens belonging to units 17 and 18) shall be used only in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.
 29. Development should not be commenced prior to the submission and approval of a security management plan to and agreed in writing by the Local Planning Authority in consultation with the Metropolitan Police. The plan should include details of the Security standards achieved by windows and doors; details of access controls to communal entrances; details of security gates to the car park; details of lighting to the undercroft car park areas; details of security to the external bin store doors; details of the proposed cycle lockers. The measures detailed by the report shall be implemented and maintained thereafter.

30. Before the development hereby permitted commences details of dry risers shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. The development shall be implemented in accordance with such details as approved.

INFORMATIVE(S):-

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
The proposed development accords with strategic planning guidance and policies as set out in the Mayor's London Plan London Plan (consolidated with Alterations since 2004) (published 19 February 2008) and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
GSD, GMixedUse, GBEnv1, GBEnv2, GBEnv3, ENV7, ENV13, D1, D2, D3, D5, D9, D11, M1, M2, M3, M5, M6, M7, M10, M13, M14, C1, C1(A), C2, C3, C4, C5, C7, C8, C9, C11, IMP1, IMP2
London Borough of Barnet Adopted Unitary Development Plan 2006:
Reason for approval:
The proposed redevelopment would not have a detrimental impact upon the West Hendon Regeneration Proposals and would result in the development of a high quality, sustainable building in keeping with the character and scale of buildings in this location. The proposed mixed use residential led scheme is in keeping with the edge of Town Centre location. The application complies with the requirements of the London Borough of Barnet Adopted UDP (2006) and the London Plan (consolidated with Alterations since 2004).
2. Any development to be constructed on the site shall comply with the requirements of the Disability Discrimination Act 1995. Details of the proposed compliance measures shall be submitted to and approved by the local authorities with the relevant reserved matters application and the development shall be carried out in accordance with the approved details

Environmental Health

3. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the local planning authority before the development is occupied. In complying with the contaminated land condition number 31 parts (i) and (ii):
 - a. Use of current guidance
Reference should be made at all stages to appropriate current guidance and codes of practice; at March 2004 this would include:
The Environment Agency CLR Guidance documents;
BS10175: 2001 Investigation of potentially contaminated sites – Code of Practice;
The Environment Agency (2001) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination;
Guidance for the safe development of housing on land affected by contamination, Environment Agency R&D Publication 66.
 - b. Maps
Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.

c. Raw Data

All raw data should be provided in a form that can be easily audited and assessed by the local planning authority. (e.g. trial pit logs and complete laboratory analysis reports)

d. Decision Process

Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made should be included. (e.g. the reasons for the choice of sampling locations and depths).

4. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
5. The details of acoustic consultants can be obtained from the following contacts:
Institute of Acoustics: telephone number 01727 848195.
Association of Noise Consultants: telephone number 01763 852958.
The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:
 - Dept of Environment: PPG 24 (1994) Planning Policy Guidance - Planning & Noise.
 - BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) – Description & measurement of environmental noise.
 - BS 4142:1997 – Method of rating industrial noise affecting mixed residential and industrial areas.
 - BS 8223 :1999 – Sound insulation and noise reduction for buildings: code of practice.
 - Dept of Transport: Calculation of Road Traffic Noise (1988).
 - Dept of Transport: Calculation of Railway Noise (1995).
 - Dept of Transport: Railway Noise & Insulation of Dwellings.
6. Ventilation and Extraction details required:
 - The Sound Pressure Levels of the refrigeration/chiller/airconditioning/ventilation/extraction units/machinery to be installed, predicted in decibels (dBA) at one metre from the nearest noise sensitive premises.
 - Details of where the equipment will be placed i.e. within or outside of the building, marked on to a map.
 - The proposed hours of use of the equipment and opening hours.
 - Details of any silencers to be fitted or sound insulation measures to reduce/minimise any noise impacts on neighbours.
 - Details of any anti vibration mountings for the ductwork of the extraction system.
 - The height of the flue.
 - Details on how the joints on the ductwork will be sealed.
 - Details of plans for the maintenance and cleaning of any filters in the system.
 - The ductwork should not be fitted with a cowl or restriction to the final opening.

Highways

7. The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access road. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.
8. The applicant is advised that A5 West Hendon Broadway and Station Road are Traffic Sensitive Roads; deliveries during the construction period should not take place between

8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and Environment and Transport should be consulted in this respect.

9. The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and will require the applicant to enter into a Section 278 Agreement under the Highways Act 1980.
10. Residents of the proposed development are to be excluded from obtaining resident and visitor parking permits for the West Hendon Controlled Parking Zone (Zones WH1, WH2 and WH3) within the S106 Legal agreement.
11. The development is required to have a Travel Plan which includes the initiative for provision of the Car Clubs and electric charging points. LB Barnet is promoting the use of Online Travel Plan Builder. A travel plan is a document produced by you which includes a package of measures designed to help and improve transport facilities and promote more sustainable modes. Every plan is specific to the development hence prior to occupation measures need to be tailored to your site.

Barnet Travel Plan Builder is Online package. It is easy to use and will help you construct your travel plan efficiently. All you have to do is input the information when you are prompted and at the end you will have your site specific travel plan. The travel plan is broken down into manageable chunks and progress is saved in incremental stages.

It can also be reviewed and modified at any stage up until it's submitted. Submission can be done on-line or to Traffic & Development Section, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Thames Water

12. Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

13. Petrol/Oil Interceptor

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

14. Thames Water will have to be consulted about any development within 3 metres of public sewers, which cross the site.

15. Pressure Design

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Security

16. Detailed designs should take account of the principles of 'By Design' and should be developed in consultation with the Met. Police Crime Prevention Officer.

17. Lighting

The lighting standard of this development should be BS 5489: 2003. Good lighting provision will influence potential criminal behaviour and should reduce any fear of crime for those people living, visiting and working within the development.

18. Doors and Windows: Security Standards.

All doors and windows installed throughout the development, both to the residential and the two retail / commercial units should be designed and manufactured to a high standard in terms of general security. Resistance to forced intrusion is extremely important.

The Police preferred security standard for door sets is at least to PAS 24-1:1999 or LPS 1175, security rating 2.

The Police preferred security standard for windows is at least to BS 7950: 1997 or LPS 1175, security rating 1.

The installation of laminated glass in all external windows and doors at basement and ground floor level together with windows at first floor level and above that are thought to be vulnerable and accessible should be considered. Laminated glass is a security glass and will reduce the risk of forced entry into properties.

The design team should note that it is now possible to install communal entry doors manufactured and certificated to the PAS 24:1999 and LPS 1175 security standards.

19. The main principles of the Association of Chief Police Officers crime reduction scheme, Secured by Design, should be incorporated into the design of this development by the applicants.

Secured by Design (SBD) links into the Local Authority's Supplementary Planning Guidance and Design Guidance Note: Designing to Reduce Crime. Adherence to the principles of Secured by Design will improve both community safety and security within the built environment. All parties involved in this development may obtain full details of the initiative at: www.securedbydesign.com

7. APPLICATIONS FOR PLANNING PERMISSIONS AND CONSENTS (Report of the Assistant Director of Planning and Development Management – Agenda Item 6)

RESOLVED – That the Council's decision on the applications listed below be as indicated, and that the Assistant Director of Planning and Development Management be instructed to convey such decisions to the applicants.

COLINDALE WARD

W00198AA/04

Beaufort Park, Former RAF East Camp , Aerodrome Road, Hendon, NW9 St George

Deed of Variation to the Section 106 Agreement in respect of definitions to the Planning Permission and Qualifying Persons for Discount Market sale Unit
The Committee resolved to **APPROVE** the following;

1. That subject to the completion of all necessary legal and other documentation, a Deed of Variation to the Section 106 Agreement attached to

planning permission W/00198/AA/04 is authorised to secure the following changes:-

- **Definition changes to the definitions of “Planning Permission” and “Qualifying Persons”**
- **Introduction of a Mortgage in Possession Clause**
- **Introduction of a Resale Process**

MILL HILL WARD

H/01702/11 Wyevale Garden Centre, Daws Lane, London, NW7 4SL
c/o Etz Chaim Primary School

Change of use from current A1 use (Garden Centre) to proposed D1 use (Education). Proposals involve the retention and conversion of the existing building, additional windows on front elevation and modifications to existing facades. Removal of the existing central glass roof and glazed conservatory on the eastern side, followed by single storey extension. Opening up rear of the site to form an open courtyard, play area and soft landscaping. New front boundary treatment, additional planting and security hut, provision of 17 car parking spaces. The Assistant Director of Planning and Development Management circulated an addendum to the report. Having heard oral representations from Mr Gaon Hart and Mrs Zoe Samuelson objecting to the application, Mr James Ansher speaking in support of the application and the applicant’s response, the Committee resolved to;

APPROVE the application subject to the following conditions;

(1) That, subject to the application being referred to the Greater London Authority (Under Article 5 of the Town and Country Planning (Mayor of London) Order 2008) and to the Secretary of State and no direction being received to refuse the application and no direction being received that the application is called in for the Secretary of State to determine, the Assistant Director of Planning and Development Management approve the application under delegated powers, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; 282 EX(01)01 rev B; 282 EX(04)01 rev A; 282 EX(04)02 rev A; 282 EX(01)02 rev B; 282 EX(02)01 rev A; 282 EX(03)01 rev A; 282 EX(03)02 rev A; 282 GA(01)02 rev B; 282 SK(03)21 rev A; 282 GA(03)01 rev A; 282 GA(03)01 rev A; 282 GA(02)01 rev A; 282 GA(04)01 rev D.
2. This development must be begun within three years from the date of this permission.
3. The premises, as shown on the approved plans, shall be used only by the Etz Chaim Mill Hill Jewish Free School and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
4. The use of the premises for the purposes hereby permitted shall only take place between the hours of 7.00am and 9.00pm on weekdays, and, between 9.00am and 7.00pm on Saturdays and Sundays.
5. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

6. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
7. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.
8. Before the development hereby permitted commences details of the proposed gates and railings shall be submitted to and approved in writing by the Local Planning Authority.
9. Before development hereby permitted is occupied, parking spaces, disabled parking spaces, electric vehicle charging points and cycle parking, shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
10. Two months prior to first occupation of the school buildings a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The document's shall set out the school's transport policy to incorporate measures to reduce trips to school by the private car and encourage non car modes such as walking, cycling and public transport. Details of the start and finish times for pupils shall also be incorporated in order to minimise conflict on the local highways network. The scheme as submitted shall be approved in writing by the local planning authority and the use shall be carried out in accordance with the School Travel Plan as approved.
The School Travel Plan should include the appointment of a School Travel Plan Champion, measurable targets and a clear action plan for implementing any measures in accordance with the TFL document 'What a school Travel Plan should contain – A step by step guide to writing your School travel Plan document. The School Travel Plan should be reviewed annually in accordance with the targets set out in the Plan.
11. The demolition and construction of the development hereby approved shall be carried out in accordance with a method statement and Construction Management Plan, which shall have been submitted to and approved in writing by, the local planning authority at least one month prior to the commencement of the demolition.
12. Before the development is commenced, a scheme showing details of access points (Pedestrian and Vehicular) and footways in accordance with the siting, size, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority
13. Before the permitted development commences details of the refuse collection and servicing arrangements shall be submitted to and agreed by the Local Planning Authority.
14. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the school shall have been submitted to and approved in writing by the

- Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
15. No development shall take place until details of the arrangements to meet the planning obligations required for necessary highway works and monitoring of the Travel plan have been submitted to and approved in writing by the local planning authority.
 16. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.
 17. 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.
 18. 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.
 19. The non-residential development is required to meet the BREEAM standard of good. Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.
 20. The development shall be built to incorporate the measures set out in the Planning Design and Access Statement and Energy Strategy. Prior to the commencement of development details of the PV Cells shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
 21. No external lighting, floodlighting or other means of external illumination shall be affixed to the external elevations of the buildings, or placed/erected within the site other than those shown on the approved plans without the prior written consent of the local planning authority. Any external lighting, floodlighting or other means of external illumination shall be installed and thereafter retained in full accordance with the approved details.
 22. Within 6 months of the occupation of the new school building a community use scheme for the use of the buildings and site area, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non school users, management responsibilities and include a mechanism for review. The use of the buildings should accord to this approved scheme thereafter.
 23. Notwithstanding the provisions of Part 32, Class A to schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order) no extensions to the school hereby permitted shall be erected without express planning permission first being obtained.
 24. The development hereby permitted shall be carried out in full accordance with the details shown on the approved plans.
 25. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.
 26. The level of noise emitted from the any site plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1

metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

27. A hazardous building materials survey shall be undertaken prior to the development commencing.
28. Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before any of the use commences.
29. The number of pupils attending the primary school and nursery shall not exceed 240.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GCS1, ENV12, D1, D2, D3, D4, D5, D9, D10, D11, O1, O2, O3, O6, M11, M12, M13, M14, CS1, CS4, CS5, CS6, TRC19, L8.
Core Strategy (Publication Stage) 2010:CS1, CS5, CS7, CS8, CS9, CS10, CS12.
Relevant Draft Development Management Policies: DM01, DM03, DM04, DM13, DM15, DM17
 - ii) The proposal is acceptable for the following reason(s): -
The proposal is considered to be acceptable with regard to development plan policies subject to appropriate planning conditions. It would introduce valuable education accommodation in the borough, having an acceptable impact on the character and appearance of the site, wider locality and its Green Belt location. The proposal would have no significant impact on the amenities of neighbouring occupiers and can be accommodated on this site without significant adverse impact on local roads and the highway network.
The proposal is therefore considered to be in accordance with relevant national planning policy guidance, the London Plan, the Adopted Barnet Unitary Development Plan and emerging Local Development Framework.
2. The information supporting this application are:- Planning, Design and Access Statement; Statement of Community Involvement; Draft School Travel Plan; Transport Assessment; Environmental Noise Survey Report; Air Quality Assessment; Bat Survey; Arboricultural Assessment Report; Biodiversity Assessment; Mechanical and Electrical Services; Renewable Energy Strategy Report; Letter from MLM Consulting Engineers dated 23rd June 2011; Accessibility Statement dated June 2011.

3. Details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site. The method statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (excavation, site preparation and construction) and the provision on site of a storage /delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
4. Any and all works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

8. CHANGES TO SUB-COMMITTEE MEMBERSHIP (Report of the Head of Governance Agenda Item 7

RESOLVED - The Committee approved the changes on East and West Area Planning sub-Committees. Chipping Barnet Area Environment sub-Committee and the Hendon Area Environment sub-Committee, as set out below.

(i) East Area Planning sub-Committee

- **Councillor Alison Cornelius replaces Councillor Richard Cornelius as a Member of the sub-Committee.**

(ii) West Area Planning sub-Committee

- **Councillor Maureen Braun replaces Councillor Eva Greenspan as Chairman of the sub-Committee.**
- **Councillor Eva Greenspan replaces Councillor Maureen Braun as Vice-Chairman of the sub-Committee.**

(iii) Chipping Barnet Area Environment sub-Committee

- **Councillor Barry Evangeli replaces Councillor David Longstaff as Chairman of the sub-Committee.**
- **Councillor David Longstaff remains as a Member of the sub-Committee.**
- **Councillor Andrew Strongolou replaces Councillor Barry Evangeli as Vice-Chairman of the sub-Committee.**
- **Councillor Rowan Turner replaces Councillor Andrew Strongolou as a substitute Member of the sub-Committee.**

(iv) Hendon Area Environment sub-Committee

- **Councillor Brian Schama replaces Councillor Maureen Braun as Chairman of the sub-Committee.**
- **Councillor Maureen Braun remains a Member of the sub-Committee.**

The meeting finished at 9.27pm

**Planning and Environment Committee – 20 July 2011, Planning Application H/01702/11 Wyevale Garden Centre, Daws Lane
London, NW7 4SL – Item 4 - Public Questions**

Ms Marilyn Norman	
<p><u>Question</u></p> <p>As a mother of twin boys eligible for the school, how does the council intend to ensure that the movement of over 220 children at peak times - crossing the road twice a day to move between the school, pick/up, drop-off vehicles, shops and the bus stop – will not lead to death or serious injury for a child in Daws Lane?"</p>	<p><u>Response to Question</u></p> <p>Consideration has been given to the feasibility of upgrading the existing pedestrian crossing point near the site and/or installing additional crossing points. A significant proportion of pupils and parents/carers walking to and from the proposed school are not expected to need to cross Daws Lane, or to use the existing crossing point if they do. Those pupils dropped off or picked up in the car park will not cross the road, and very few pupils are expected to use buses. Pupils driven to and from the school can also be dropped off or picked up on the school side of Daws Lane, or parents/carers can use one of the side roads, such as Byron Road and Marion Road, and use the existing crossing. It was therefore concluded that the existing facilities will be satisfactory, particularly in the early years of the school. Furthermore, if issues do get raised about crossing Daws Lane by parents/carers as the school builds up to full capacity, this can then be addressed by the council and the school as part of the review and monitoring of the full School Travel Plan.</p>
Mr Simon Bessford	
<p><u>Question</u></p> <p>What specific steps were taken by the council at an early stage to ensure that the public consultation was valid considering that the 'local' resident population amongst which the opposition was at least 10-1 was unaware until late in the process, and no specific consultation was held with members of the elderly and disabled community who are one of the primary groups disadvantaged by losing this site ?</p>	<p><u>Response to Question</u></p> <p>Upon receipt of the planning application, neighbour notification letters were sent to over 2000 local residents in the vicinity of the school. A site notice was also placed at the site to ensure other users were aware of the application. The extent of consultation exceeded the statutory requirements and also the Council's own adopted consultation procedure.</p>

Mr Charles Clarke	
<u>Question</u> Can you tell us what measures have been taken by the Councillors to account for the impact on this green belt parkland site, considering that the 6ft high railings, high brick planters, concrete bollards, CCTV cameras and security hut are not within the footprint of the existing building, detract from the openness of the Green Belt and are obtrusive features which will damage the visual amenity of the Green Belt land?	<u>Response to Question</u> The impact of the overall proposals on the openness of the Green Belt was one of the considerations in the assessment of this case. The additional impact of the railings and other features were considered alongside the reductions in the building footprint at the rear. These issues are addressed in the report to the Planning and Environment Committee.
Mr Mike Fisher	
<u>Question</u> London's submission to Parliament's Environmental Audit Committee inquiry 'Air Quality: a follow up report' dated 30 May 2011, states that living near roads travelled by 10,000 or more vehicles per day could be responsible for some 15-30 per cent of all new cases of asthma in children What does Barnet Council intend to say to parents of children whose health will be impacted by a school whose playground will be within 20 metres of the extremely busy A1, particularly considering that this issue is so serious in France, placing a school in such a location would actually be illegal on health grounds?	<u>Response to Question</u> The application accompanied an Air Quality Assessment by URS Corporation Ltd dated 15 th April 2011. Within this document it confirmed that air quality in this part of London is relatively good in comparison with most of London, which tends to exceed the national air quality limits The air quality assessment included pollutant concentration calculations for this location and directly compared with the national air quality limits - in summary, the concentrations are predicted to comply with the national (and EU) limits, both for long term and short term averaging periods. These limits have been set to protect the health of the more sensitive members of the population, i.e. the elderly, individuals with respiratory problems, and children, and therefore no adverse health effects are not expected.

<p>Mr Stephen Donohoe</p>	
<p><u>Question</u></p> <p>On what basis does Barnet Council justify prioritising its Education Policy above the UDP and LDF Policies on:- the Green Belt; Equality; Tourism; Local Economic Interests and Jobs; and 'Edge of Town' Residential Protection; all of which provide for the protection of the Garden Centre site in its current use?"</p>	<p><u>Response to Question</u></p> <p>The assessment of any planning application requires weight to be given to a number of, sometimes conflicting, policies. In this case, the consideration of the proposals in relation to the relevant policies is set out in the report to the Planning and Environment Committee. As well as local and strategic (London Plan) policies the Council must place weight on central government policies and advice. Central government have advised that:</p> <p>“Local Planning Authorities and the Planning Inspectorate will be expected to take the July 2010 Ministerial statement on Removing Planning Barriers (Schools) into account as a material consideration when determining all planning applications for school development. In determining planning applications, local authorities should:</p> <ul style="list-style-type: none"> • attach very significant weight to the desirability of establishing new schools and to enabling local people to do so; • adopt a positive and constructive approach towards applications to create new schools, and seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate; and • only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area. Where a local authority refuses permission on this basis, the Government will ask the Planning Inspectorate to deal swiftly with any appeal that is lodged. <p>This statement should therefore be given “very significant weight “ in the assessment of the planning application.</p> <p>It was therefore concluded, in the absence of any over-riding adverse planning impacts, that a positive recommendation should be made.</p>

Mr George Jones	
<p><u>Question</u></p> <p>Can the Planning & Environment committee kindly explain how they propose to satisfy the 'Equalities Act' 2010, s,149,ss5 considering that if this application succeeds, there is considerable evidence that many local individuals (one being my own daughter) with protected characteristics such as the mentally and physically disabled and elderly, will be unable to interact with the community in any similarly conveniently located site?</p>	<p><u>Response to Question</u></p> <p>Equality and Diversity issues have been addressed largely under section 4 within the body of the main report. In summary, many of the objections received argue that the proposal would breach Equality obligations for the Local Authority. It is considered that planning decisions do not engage equality considerations in the same context as making difficult decisions in the context of spending reductions and remodelling of services. It is considered that this issue has been rigorously assessed and that the proposal would be in accordance with its Equalities Policy and the commitments in Barnet's Equalities scheme and its statutory duties as a Local Planning Authority.</p>