

<u>MEETING</u> PLANNING AND ENVIRONMENT COMMITTEE
<u>DATE AND TIME</u> WEDNESDAY 20th JULY AT 7.00PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, HENDON NW4 4BG

TO: MEMBERS OF THE COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Maureen Braun

Councillors:

Anita Campbell	Jack Cohen	Claire Farrier	John Marshall
Mark Shooter	Stephen Sowerby	Andreas Tambourides	Jim Tierney

Substitute Members - Councillors:

Alison Cornelius	Sury Khatri	Andrew McNeil	Graham Old
Lord Palmer	Barry Rawlings	Agnes Slocombe	Andrew Strongolou
Reuben Thompstone	Darrel Yawitch		

You are requested to attend the above meeting for which an agenda is attached.
Aysen Giritli – Head of Governance

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

To view agenda papers on the website: <http://committeepapers.barnet.gov.uk/democracy>

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

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3.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	-
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8.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	
9.	MOTION TO EXCLUDE THE PRESS AND PUBLIC:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act (as amended) shown in respect of each item:	-
10.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

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PLANNING AND ENVIRONMENT COMMITTEE

20 JULY 2011

ITEM 6

REPORT OF THE
ASSISTANT DIRECTOR OF PLANNING AND
DEVELOPMENT MANAGEMENT

BACKGROUND PAPERS – GENERAL STATEMENT

The background papers to the reports contained in the agenda items which follow comprise the application and relevant planning history files, which may be identified by their reference numbers, and other documents where they are specified as a background paper in individual reports. These files and documents may be inspected at:

Building 4, North London Business Park
Oakleigh Road South
New Southgate
London N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

PLANNING AND ENVIRONMENT COMMITTEE

DATE: 20 July 2011

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LOCATION: Beaufort Park, Former RAF East Camp , Aerodrome Road, Hendon, NW9

REFERENCE: W00198AA/04

WARD: Colindale

APPLICANT: St George

PROPOSAL: Deed of Variation to the Section 106 Agreement in respect of definitions to the Planning Permission and Qualifying Persons for Discount Market sale Units.

RECOMMENDATION:

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**

1. MATERIAL CONSIDERATIONS

1.1 Relevant Planning History

Application Ref.	Address	Description of Development	Decision and Date
W00198AA/04		Outline - Redevelopment of site comprising 2800 residential units (Class C3), approximately 7850sqm of retail (Class A1), financial and professional services (Class A2), food and drink (Class A3), business (Class B1), leisure and community (Class D1 and D2) uses and driving test centre (sui generis) with associated landscaped open space, car parking and access arrangements.	APPROVED 8 th April 2005 following completion of Section 106 Agreement.
W/00198/BT/07	Former RAF East Camp, Aerodrome	Erection of 190 residential units, 799sqm of commercial	Approved 14 th August 2009

	Road, NW9	floorspace - use classes A1 - A5 and B1 and associated access and car parking (blocks C3, C4 and C15).	
W/02247/AF /07	RAF Museum, Hendon, NW9	Part reconstruction of listed Watchtower Building adjoining the Grahame White Hangar on RAF Museum Site, Grahame Park Way, for use as exhibition space.	Approved 14 th August 2009
W/00198/BR /07	Former RAF East Camp, Aerodrome Road, NW9	Listed building consent for dismantling of Watchtower Building to enable its reconstruction on the adjoining RAF Museum Site.	Approved 14 th August 2009
H/01084/11	Blocks C3, C4 and C15, Beaufort Park, Former RAF East Camp, Aerodrome Road, NW9	Minor amendments to the approved blocks C3 and C4, to include alterations to the footprint of the building, increase in the upper floor height of C3 and C4, change in the mix of units and increase in amenity space.	Approved 24 th June 2011

1.2 Background

Members will recall that the planning application for redevelopment of the Former RAF East Camp site (ref:W00198/AA/04) was approved at Planning and Environment Committee on the 26th January 2005 subject to the completion of a section 106 agreement to secure an extensive number of planning benefits and contributions to mitigate the impacts of the development. Planning consent was subsequently issued on the 8th April 2005 after the section 106 was signed.

1.3 Proposed Amendment to Schedules within Section 106

In order to maintain the delivery of the Discount Market Scheme housing these amendments are required in order to prevent mortgage lenders withdrawing. The DMS properties at Beaufort Park have been a popular product, appealing to first time buyers and key workers.

The main changes to this deed include -

1. Definition changes to the definitions of “Planning Permission” and “Qualifying Persons”

The proposed deed seeks to update the definition of ‘planning permission’ taking into account a number of reflective changes to the scheme. The applicants seek to vary the definition of a “qualified person” in relation to the purchase of the Discount Market Sale (DMS) units to reflect the changing requirements of mortgage lenders.

Clause 1 of the Section 106 Agreement shall be varied by: the deletion of the following definitions as stated in the Section 106 Agreement and their replacement as stated below:

“Planning Permission” shall mean the following planning permissions with reference numbers:

- W00198AA/04
- W02247AF/07
- W00198BT/07
- W00198BR/07
- H/01084/11

“Qualifying Persons” shall mean persons who –

- (a) Are resident or employed in the London Borough of Barnet;
- (b) Whose gross annual household income at the date of application for a Discounted Market Sale Unit does not exceed 45% of the discounted offer price of the relevant Discounted Market Sale Unit;
- (c) Has no ownership in another residential property which he is able to occupy within the United Kingdom (unless otherwise agreed by the Council)

2. Introduction of a Mortgage in Possession Clause

Should an owner of a DMS unit default on mortgage obligations and the mortgagee wishes to dispose of the unit then all reasonable endeavours must be used to sell to a qualifying person (as defined above) within a defined time period. Should this not be possible then the unit maybe sold on the Open Market with release payment to be reinvested by the Council into affordable housing (20% of Market Value).

3. Introduction of a Resale Process

If an owner of a DMS property wishes to dispose of their home then he must use all reasonable endeavours to sell to a qualifying person within a defined time period. Should this not be possible then the unit maybe sold on the Open Market with release payment to be reinvested by the Council into affordable housing (20% of Market Value).

The proposal to vary and supplement the Section 106 Agreement as stated in this Deed is to reflect the changing requirements of mortgage lenders in relation to the purchase and sale of Discount Market Sale Units and to ensure that the obligations in the Section 106 Agreement apply to the relevant planning permissions

NOTE: all other schedules and triggers in the original section 106 remain unchanged.

All of the amendments set out above have been agreed with the council's Housing Regeneration Service, Planning and Legal officers.

1.4 Conclusion

The proposed changes in the deed are acceptable and are considered necessary in order to make the scheme viable and ensure the delivery of the wider development of Beaufort Park. The changes are recommended for approval to allow the Deed of Variation to be completed.

LOCATION: Deerfield & West Hendon Social Club, 1-3 Station Road, London, NW4 4QA

REFERENCE: H/01827/11

Received: 27 April 2011

Accepted: 27 April 2011

WARD: West Hendon

Expiry: 2 August 2011

APPLICANT: Nofax Enterprises

PROPOSAL: 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.

RECOMMENDATION

Resolution to approve subject to:

Recommendation 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.

Recommendation 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:

CONDITIONS:

1. 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.

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.

Reason: For the avoidance of doubt and in the interests of proper planning.

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.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

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.

Reason: To ensure a satisfactory appearance to the development.

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.

Reason: To ensure a satisfactory appearance to the development.

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.

Reason: To ensure a satisfactory appearance to the development

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.

Reason: To safeguard the visual amenities of the locality and the appearance of the surrounding area.

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.

Reason: To safeguard the visual amenities of the building and the surrounding area.

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.

Reason: To safeguard the visual amenities of the building and the surrounding area.

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.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

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.

Reason: To prevent light pollution of neighbouring property and to enhance security in the immediate vicinity of the site.

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.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies.

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

Reason: In the interest of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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 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.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

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.

Reason: To ensure the free flow of traffic and in the interest of highway safety and the visual appearance of the development.

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.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with the Policies M11 and M13 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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.

Reason: In the interests of promoting cycling as a mode of transport.

18. Before the development hereby permitted commences, details of refuse and recycling containers and wheeled refuse bins and/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.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

19. 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.

Reason: To safeguard residential amenity and in the interests of highway safety and the free flow of traffic, in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

20. 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

21. 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.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

22. 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

23. 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.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

24. 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 A1 and B2 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

25. A scheme for mitigation measures 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 units are occupied / the use commences).

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

26. Before development commences, an air quality assessment report shall be carried out by a competent consultant and submitted to the Local Planning Authority for approval in consultation with the Environmental Health Department, the report should pay particular attention, but not be limited to, levels of pollution at the open amenity spaces (balconies, roof gardens and gardens) and should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control,

Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance, revised version January 2007. The report shall also clearly outline any necessary mitigation measures (such as acoustic fencing) for the development to reduce these noise impacts to acceptable levels.

Reason: To safeguard the health of future residents.

27. 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.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity

28. 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 A1 or 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.

Reason: To enable flexibility for the first occupation of the commercial units hereby approved.

29. 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.

Reason: To protect the residential amenities of nearby occupants.

30. 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.

Reason: To ensure a sustainable form of development and to comply with requirements of the London Plan.

31. 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.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

32. 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.

Reason: To ensure that the development would result in a safe and secure environment to live and work in, in accordance with UDP policy GBEnv3.

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.

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

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (consolidated with Alterations since 2004) published 19 February 2008 and the adopted London Borough of Barnet Unitary Development Plan (2006). These strategic and local plans are the policy basis for the consideration of this planning application.

Central Government Guidance and Policy Statements

National guidance is provided by way of Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs). The PPSs and PPGs of most relevance to the determination of this application are:

- Planning Policy Statement 1: Delivering Sustainable Development (2005)
- Planning & Climate Change: Supplement to PPS1 (2007)
- Planning Policy Statement 3: Housing (2006)
- Planning Policy Statement 4: Planning For Sustainable Economic Growth (2009)
- Planning Policy Statement 6: Planning for Town Centres (2005)
- Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
- Planning Policy Guidance Note 13: Transport (2001)
- Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)
- Planning Policy Statement 22: Renewable Energy (2004)
- Planning Policy Statement 23: Planning and Pollution Control (2004)
- Planning Policy Guidance Note 24: Noise (1994)
- Planning Policy Statement 25: Development and Flood Risk (2006)

The London Plan

The London Plan (consolidated with Alterations since 2004) was published on 19 February 2008 and is part of the development plan under the Planning and Compulsory Act 2004.

Other relevant London Plan policies:

Policy 2A.1 Sustainability criteria
Policy 3A.3 Maximising the potential of sites
Policy 3C.1 Integrating transport and development
Policy 3C.3 Sustainable transport in London
Policy 3D.11 Open space provision in DPDs
Policy 4A.1 Tackling climate change
Policy 4A.3 Sustainable design and construction
Policy 4A.4 Energy assessment
Policy 4A.7 Renewable Energy
Policy 4A.11 Living Roofs and Walls
Policy 4A.13 Flood risk management
Policy 4A.14 Sustainable drainage
Policy 4A.16 Water supplies and resources

Policy 4B.1 Design principles for a compact city
Policy 4B.5 Creating an inclusive environment
Policy 4B.9 Tall buildings – location

Draft Revised London Plan

The Mayor has published a Consultation Draft Replacement London Plan (October 2009). This has subsequently undergone minor alterations (December 2009 and March 2010).

Consolidated draft replacement London Plan (December 2010)

Barnet Unitary Development Plan

The London Borough of Barnet UDP was adopted in May 2006 and contains local planning policies for Barnet. UDP policies that were agreed to be saved by the Secretary of State in May of this year which are relevant to this application are:

Policy GSD – Sustainable Development
Policy GMixedUse – Mixed Use
Policy GBEnv1 – Character
Policy GBEnv2 – Design
Policy GBEnv3 – Safe Environment
Policy ENV7 – Air Pollution
Policy ENV13 – Minimising Noise Disturbance
Policy D1 – High Quality Design
Policy D2 – Character
Policy D3 – Spaces
Policy D5 – Outlook
Policy D9 – Designing Out Crime
Policy D11 – Landscaping
Policy M1 – Transport Accessibility
Policy M2 – Transport Impact Assessments
Policy M3 – Travel Plans
Policy M5 – Pedestrians and Cyclists – Improved Facilities
Policy M6 – Public Transport – Use
Policy M7 – Public Transport – Improvements
Policy M10 – Reducing Traffic Impact
Policy M13 – Safe Access to New Development
Policy M14 – Parking Standards
Policy C1 – Comprehensive Development
Policy C1(A) – West Hendon
Policy C2 – Urban Design – High Quality
Policy C3 – Urban Design – Amenity
Policy C4 – Sustainable Design
Policy C5 – West Hendon and Cricklewood Town Centres
Policy C7 – Transport Improvements
Policy C8 – Parking Standards
Policy C9 – Housing and Community Development
Policy C11 – Implementation
Policy IMP1 – Priorities for Planning Obligations
Policy IMP2 – Use of Planning Obligations

Barnet Core Strategy (Publication Stage 2010)

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Of relevance section 10.5.2 of the Core Strategy states:

“New development should improve the quality of buildings, landscaping and the street environment and, through this improve the experience of Barnet for residents and visitors. We will therefore insist on high quality design throughout the borough.”

Further to this policy CS 3 states ‘on the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26. As our focus of growth we will promote opportunities on the west side of the borough in the strategically identified North West London – Luton Coordination Corridor.

We will, in order to meet the Decent Homes standard, and deliver a greater range and variety of accommodation, also promote the regeneration of priority housing estates at:

- Dollis Valley
- Granville Road
- Stonegrove and Spur Road
- **West Hendon**

These areas are expected to provide in the range of 2,400 new homes between 2011/12 to 2025/26

Policy CS 4 states ‘we will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership

- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness
- seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults
- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 30% affordable homes on sites capable of accommodating ten or more dwellings
- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes
- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to 3 rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

The Three Strands Approach

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. A second edition of the document was published in 2008.

The approach, which is based around the three strands of Protection, Enhancement and consolidated Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The third strand 'Growth' responds to Barnet's significant growth potential and sets out how and where sustainable strategic growth, successful regeneration and higher density can take place across the borough.

1.2 Relevant Previous Decisions

Application Ref.	Address	Description of Development	Decision and Date
W/03099F/07	Deerfield Site, 1-3 Station Road, London NW4 4QA	Demolition of existing building and erection of part three, part four and part five building to accommodate 40 self contained flats and 7 retail units on ground floor.	Refused 10/01/2008
H/00721/10	Deerfield Site, 1-3 Station Road, London NW4 4QA	Demolition of existing buildings on site. Erection of building of up to six storeys in height comprising 26 residential units, two retail (A1) units totalling 174m ² and one office (B1) unit of 91m ² with associated car parking and landscaping to street frontage.	Withdrawn 6/04/2010
H/04233/10	Deerfield Site, 1-3 Station Road, London NW4 4QA	Demolition of existing buildings on site. Erection of part 3, part 4, part 5 storey building comprising 25 residential units and three commercial units for A1 Retail or B1 Office use with a net floorspace 236 square meters, associated car parking and landscaping to street frontage.	Refused 24 January 2011
W13937/04	West Hendon Estate, NW9	Redevelopment of site including the demolition of all existing buildings and construction of 2171 new residential units, approximately 10,000sqm of non-residential floorspace for retail (Class A1), office (Class A2), food and drink (Class A3), business (Class B1) and social/community and leisure (Classes D1 and D2) uses and provision of associated public and private open space, landscaping, car parking, access arrangements and highway/pedestrian improvements.	Approved 1/7/2008

1.4 Statutory Consultation

Comments from Residents

Local residents and businesses were consulted by letter dated 17 May 2011. The application was advertised in the press on the 17th May 2011 and site notices were displayed at the site.

Neighbours Consulted:	213	Replies:	7
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One letter of support was received stating that the development has been reduced by 50% to that initially proposed.

Two objectors have requested to speak at committee.

The objections received can be summarised as follows:

- The proposed development would have a detrimental impact upon parking levels in the area with residents and employees getting parking permits for the local area which would increase the problem of parking for existing residents.
- The Proposed development would bring problems of noise and nuisance.
- Existing local infrastructure including sewers and drains are already at capacity with regular blockages occurring.
- Existing water pressure is not sufficient to support existing residents.
- The Proposed commercial units are inappropriate for this locality.
- The area experiences regular power cuts suggesting that the local grid is not sufficient to support any additional units.
- The delay in the regeneration of West Hendon coming forward means that local community needs relating to health, education and traffic congestion have not been addressed.
- The size, scale and bulk of the development would have a negative impact upon the character of the local area.
- The proposed development would result in a loss of light to neighbouring properties neighbouring the proposed development.
- The proposed development would not be in keeping with the local character of Victorian terraced properties.
- The proposed development would be too large for the application site.
- The height of the proposed building would dominate the outlook from properties opposite on Station Road and would cause a loss of light and privacy to these residents.
- Approval of the proposed development would lead to disputes and tensions between residents trying to park their cars.
- The proposed development would result in a loss of sunlight to the side and rear of number 5 Wilberforce Road.
- The proposed development would result in overlooking and a loss of privacy to number 5 Wilberforce Road. It would also increase noise levels and disturbance to this property.

Response to Residents' Objections

The concerns raised by local residents in relation to the proposed development are largely addressed within the body of the report, however the following additional responses are provided for clarity.

Parking Issues:

The level of parking is acceptable to the Highways Authority. It is recommended however that future residents are restricted from applying for parking permits.

Local Infrastructure:

Concerns raised by local residents over drainage, water pressure and power outages are not supported by the relevant statutory utility companies.

A1 Retail Use:

The application was originally submitted for either B1(a) office use or A1 retail use. Considering the location of the development on an edge of town centre site, existing vacant units within the town centre the proposed A1 use was not considered to be appropriate. Following discussion with the applicant the proposed A1 use was removed from the submission.

Statutory Bodies/External Organisations consultation responses

Environment Agency – No objection

Thames Water – No objection

The proposal's impacts upon existing water and sewage infrastructure in the locality do not raise significant concerns. Informatives suggested.

Metropolitan Police Service - No objection

Subject to security management plan condition.

London Fire Brigade – Response to be provided at meeting.

National Grid – No objection

English Heritage Archaeology – No objection

Proposal is not considered to have an affect on any significant archaeological remains.

Internal Consultation Responses

Housing – No objection

The decision not to object is based on the following factors:

- 1) The findings of the viability report independently validated, which demonstrates that the scheme is not able to provide an affordable housing contribution either through an on or off site provision or commuted sum.
- 2) The financial impact upon the scheme of safeguarding the highway strip to the front of the site which is acknowledged to impact directly on the viability of the development.

- 3) The importance of safeguarding the highway strip for the regeneration of the West Hendon estate and the affordable units that would be secured by this wider development.

Environmental Health – No objection

No objection raised subject to the inclusion of conditions relating to contaminated land, air quality and noise matters.

Refuse/Recycling – No objection to proposal.

The proposed refuse area provides a satisfactory arrangement to accommodate both general and recyclable refuse bins and is easily accessed in a location already serviced by a refuse vehicle.

Regeneration – No objection

The proposed development falls within the West Hendon regeneration area and is considered to be in accordance with the approved masterplan. In particular it safeguards a strip of land to the front of the site for road widening proposes in order to secure highway improvements. The proposal also represents high quality development of a currently unkempt site.

2. DESCRIPTION OF SITE AND PROPOSED DEVELOPMENT

Application Site

The application site was previously occupied by the Deerfield Social Club. The Club has gone into liquidation and the remaining two and three storey buildings on site are in a state of disrepair.

The site is situated on the north side of Station Road near its junction with The Broadway (A5). To the north the site adjoins semi-detached houses on Wilberforce Road. The south-west boundary is along Mapesbury Mews. It covers a total area of 0.14ha.

The local area is largely of Victorian stock. Two storey semi detached houses front Wilberforce Road and a terrace of two storey residential properties are situated opposite the site across Station Road. Along the A5 a three storey terrace backs onto Mapesbury Mews where a terrace of modern student housing abuts the application site.

There is a significant level drop of 2.8m across the site towards its southern corner.

To the south west is West Hendon Town Centre and the West Hendon Estate is located on the far side of West Hendon Broadway.

The site is also roughly 200m from the Hendon Rail Station and is a 15min walk from Hendon Central tube station on the Northern Line.

Proposals

It is proposed to erect a building of up to 4 floors in height to accommodate 18 residential units and two commercial units (A1 retail or B1a office use) at ground floor with a total area of 125m².

The residential units would include 14x1 bed and 1x2 bed flats along with 3 two bed maisonettes. The maisonettes would have their own entrances with flats accessed from two communal doorways leading to individual stair and lift cores located to the rear of the building.

Amenity space for the residential units would be largely in the form of private balcony space fronting Station Road. Two of the maisonettes would have private roof gardens and the further maisonette and the two bed flat would each benefit from a private rear garden.

A strip of land across the front of the site is safeguarded by the proposals for a road widening scheme to allow two way traffic movement identified in the regeneration plans for the West Hendon Estate. The useable site would therefore be restricted to approximately 0.085Ha.

Vehicular access would be off Station Road with a ramp leading to a partly covered undercroft area accommodating 16 car parking spaces.

West Hendon Regeneration Scheme

The application site is located within the red line boundary of the approved West Hendon outline application for the comprehensive redevelopment of the West Hendon Estate and surrounding area (W13937/04). The site itself is not identified for development within the Masterplan, though an earlier iteration, (recommended for approval at committee) showed the site as appropriate for development of up to 4 storeys in height.

The wider development proposals identify the existing buildings on site for demolition along with properties at 234 and 236 West Hendon Broadway to facilitate the widening of Station Road. These works would require approximately one third of the application site by area as detailed above.

Discussions are currently taking place between the Council and the West Hendon Regeneration partners Barratt Metropolitan LLP over proposals to vary the existing outline consent. The proposed amendments would relate to phasing, the level of parking and the level of affordable housing. It is suggested that phasing changes would see the widening of Station Road delayed until a later phase, however the principle of safeguarding the strip of land to the front of the site remains critical.

It is considered that the proposed development would assist in the long term delivery of the wider regeneration project.

Planning History

1-3 Station Road was previously in use as a social club, though the club has now gone into liquidation. As a result of the wider regeneration area proposals approximately 5,450m² of community space would be provided, this will compensate for the loss of the use on this site.

In September 2007 an application was submitted for a building of up to 5 storeys in height to accommodate 40 residential and 7 retail units (W/03099F/07). The proposal had a footprint that included the whole of the application site. This failed to allow for the road widening proposals considered essential to enable the delivery of the wider scheme.

The West Hendon Masterplan had been recommended for approval by committee prior to the application's submission and therefore carried considerable material weight. The application

was refused on several grounds including its prejudicial impact on the future regeneration proposals.

Following this refusal the developer entered into discussions with the Council to establish the extent of the site that would be required for the future road widening plans. It was agreed that a strip to the front of the site of approximately one third of the overall area should be safeguarded. Subsequent applications have maintained a footprint which respects this widening requirement.

Further discussions over the design and density of development resulted in an application being submitted in February 2010 (H/00721/10). This application proposed 26 residential units and three commercial units. The application was withdrawn by the applicant prior to a decision being made.

An application for 25 residential units and 3 commercial units was submitted in October 2010 (H/04233/10). This was refused for reasons relating to design, height, bulk/mass, inadequate amenity space and lack of a S106 obligation.

Following this further refusal a new architectural team was appointed by the applicant and the Council was again approached for advice. Constructive discussion 'cumulated' in the submission of the current planning application.

3. PLANNING APPRAISAL

3.1 Principle of Development

Residential Use

Policy H2 states that for sites not allocated for housing will be assessed in terms of the appropriateness of the site subject to a sequential test, the impact of the development on its surroundings, the availability of access by a choice of means of transport, access to educational and community facilities and whether the land is required for another use.

Policy C1 seeks comprehensive development for the West Hendon Regeneration Area in accordance with the Regeneration Development Framework and delivery strategy. Development proposals in the area will be supported if they are consistent with UDP policies and their more detailed elaboration in the development framework.

Policy C1(A) states that the Council may consider planning proposals in the West Hendon regeneration area in advance of the remaining regeneration areas. Such development should comprise high quality housing qualifying for Lifetime Homes and be wheelchair accessible.

The application site is considered to be appropriate for a high quality residential led mixed use scheme. It is located in close proximity to the Hendon Rail and Hendon Central tube station and several bus routes on the A5 and Station Road. The location is therefore accessible by a choice of means of public transport. The proposal would incorporate a payment for mitigation of future education needs as part of the S106 agreement and the site is not required for an alternative use within the UDP.

The development would meet the minimum space standards proposed in the Consolidated draft replacement London Plan (Dec 2010). It would achieve Lifetime Home standards and would have a minimum of 10% wheelchair compatible units.

An assessment of the proposal has been made against the Interim London Housing Design Guide (Aug 2010). Whilst this guidance not been formally adopted it is intended to provide a framework against which high quality residential units can be measured. The assessment demonstrates that the majority of the standards are achieved by the proposal on this constrained site.

Commercial Use

Policy EMP6 states that in considering proposals for new office development preference will be given to proposals in town centres and locations that are highly accessible by public transport, policy EMP8 states that the council will encourage proposals for B1a accommodation for small and starter businesses.

The site is considered to be highly accessible by a range of public transport in this edge of centre location. The employment use would have a beneficial impact upon the town centre through visits from future employees. The small scale of the proposed units would also be appropriate for small and starter businesses in accordance with policy EMP8.

The proposed B1(a) office uses are therefore considered to be acceptable in this location.

Design

Planning Policy Statement 1 (PSS1) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development (paragraph 33). It also makes it clear that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted (paragraph 34). The statement also points out that although visual appearance and the architecture of buildings are factors in achieving high quality design, securing high quality design goes far beyond aesthetic consideration. It then makes it clear that good design also involves integrating development into the existing urban form and built environment (paragraph 35). It also points out that policies should avoid unnecessary detail and should concentrate on guiding the overall scale, density, massing and height of new development in relation to neighbouring buildings and the local area more generally. It is clear from these points that Central Government views design as a key issue in the assessment of proposals and that the relationship between proposed buildings and existing buildings and spaces is a particularly important aspect of design.

Policy GBEnv1 of the Barnet Unitary Development Plan states that the Council will protect and enhance the character and quality of the Borough's built environment. Policy D1 seeks new developments which are of high quality design and which are in keeping with the Council's objectives of sustainable development and ensuring community safety. Policy D2 states that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area. Policy D4 requires that a development respects the constraints of its site and not constitute over development. Policy H16 states that new residential developments should harmonise with and respect the character of the area within which they are situated.

In this instance a modern approach has been taken to the proposals rather than seeking to reproduce the existing Victorian character of the street scene.

The site has an extended frontage onto Station Road. The design of the building has been approached to relate the appearance of the development to the grain of existing buildings in the area. The building is separated into three distinct blocks, comparable in width to existing pairs of semi-detached houses on Wilberforce Road. Further sub division into individual unit widths has been achieved with a combination of changes to materials, projecting elements and regular window and balcony locations.

It is proposed that the development should largely be constructed in London Stock Brick. This is in keeping with the majority of local buildings and will provide a relationship between the proposed development and the existing Victorian character of the area. This will be secured by condition.

The building would be three storeys in height to the north of the site. This corresponds to the ridge height of neighbouring two storey semi detached properties on Wilberforce Road. A step up to 4 stories in height would occur before the building gradually steps down with the drop in levels occurring across the site. The building would revert to 3 storeys in height towards Mapesbury Mews.

The building would increase to four storeys in height towards the centre, stepping down to the ends to respond to neighbouring building heights.

The design approach has resulted from consideration of the natural features of the application site, the character of surrounding built form and planning requirements. It is considered that the approach adopted will create a high quality development which is a positive addition to the street scene.

Impact upon future residents

Policy D4 and D5 require proposals to respect the constraints of a site to accommodate development and to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and future occupants.

Policy H16 requires new development to respect the character of the area within which they are situated and should provide and preserve adequate daylight outlook, should maintain privacy and prevent overlooking and provide adequate levels of private amenity space. Policy H17 identifies a minimum distance of 21m between properties with facing windows to habitable rooms and 10.5m to neighbouring gardens to protect neighbouring privacy. It is noted that these standards may not apply in town centres and regeneration areas. Policy H18 details the level of private amenity space required for residential development, it states that proposals in or near town centres may be exempt if alternative amenities are provided. Policy H21 states that the council will favourably consider proposals for higher density residential development within the West Hendon Local Centre provided the proposal achieves a high quality, sustainable and secure design which relates well to its surroundings. The built form of the proposed development is situated to the front of the available site in keeping with the depth of the semi detached properties on Wilberforce Road

A Sunlight and Daylight assessment was submitted with the planning application which has demonstrated that neighbouring residential properties would not experience a significant or detrimental reduction in daylight or sunlight levels received. It is therefore considered that the development is acceptable in terms of impacts on daylight or sunlight to neighbouring residents.

The proposed building is designed to avoid facing windows between habitable rooms and privacy distances from windows looking directly over gardens would also be maintained. Windows from the northern maisonette would have a view along the length of the rear garden of 5 Wilberforce Road at first and second floors, however this impact is similar to that from existing windows in neighbouring properties and is not considered to be significantly detrimental to the privacy of these residents.

The scale of the development at between three and four storeys in height is considered to be acceptable in terms of its impact upon the outlook of neighbouring residents in this town centre location. The mass of the building is located at the front of the site, roughly in keeping with the depth of the neighbouring semi-detached properties on Wilberforce Road. To the rear of the site the undercroft parking and garden areas do not present a significant impact to neighbouring residents.

The majority of windows at 5 Wilberforce Road (with the exception of a single first floor flank window) would not overlook the proposed development. By positioning the bulk of the development to the front of the site significant impact upon the property's amenity space has been avoided.

Five student properties along Mapesbury Mews back onto the application site. It is not considered that the proposed development would be significantly overbearing as these proposals would see the existing three storey buildings being replaced by a new three storey block closest to these units. The increase to four storeys in height is considered acceptable as this is situated well away from these neighbouring units.

Overall the impacts arising from the proposal are not considered to have a significant effect upon local residents. Approaches to scale and design have combined to ensure that this is not significantly detrimental and is appropriate in this edge of town centre location within the West Hendon Regeneration area.

Environmental Quality

Policy ENV7 seeks to minimise the impact of pollution through the siting of uses sensitive to pollution away from the sources of pollution. Policy ENV13 requires development located close to a permanent source of noise pollution to minimise the effect through design, layout, landscaping and insulation related conditions and S106 legal agreement.

Environmental Health officers are satisfied that mitigation measures can be implemented to achieve an acceptable residential environment. Conditions in respect to noise impacts, air quality and contaminated land have been applied.

Parking and Access

The proposed footprint safeguards a strip of land to the front of the development which would allow for future road widening and junction improvements at the A5/Station Road. These works are considered essential improvements to the road network required to accommodate the wider regeneration proposals.

Policy C8 – Parking Standards, for development within the Cricklewood, Brent Cross and West Hendon Regeneration Area requires one car parking space for each residential unit, for B1 units once space is required per 300m² of floorspace.

Due to the small unit sizes (both residential and office), and in keeping with the Consolidated Draft Replacement London Plan, which seeks to provide less than 1:1 parking for development of 1 and 2 bed units, it is considered that the slight reduction proposed would not cause adverse impact upon the immediate and surrounding highway.

Highways officers are satisfied that the level of parking is acceptable and suggest a S106 restriction on residents applying for permits for local parking zones.

A new vehicular access would be created off Station Road. Locating the access point to the south of the site would reduce the required change in levels between the street and the undercroft parking area. This would avoid the need for an extended ramp that would reduce available space for parking.

A Residential Travel Plan has been submitted in support of the application to compliment and support the Transport Assessment. Effects of the travel plan would be monitored annually. It includes initiatives and measures identified to maximise the use of existing public transport and other non-car transport modes, whilst minimising but recognising the need for the private car use.

The proposed development satisfactorily addresses highway related concerns providing sufficient parking, safeguarding future highway works and achieving safe and secure access to the development.

Sustainability

A sustainability statement has been submitted which demonstrates that a Code level of 4 would be achieved for the development proposed. A condition has been attached to the application requiring confirmation of the code level prior to occupation.

A total of 40m² of photovoltaic panels would be located on the roof of block 'B' this would achieve a 10% reduction in carbon emissions.

Green Roofs have been incorporated in the design approach on remaining flat roof areas. The proposal incorporates an 'extensive' green roof. This type of green roof is typified by a shallow growing medium and minimal maintenance requirements it is considered that by incorporating these in the development a significant improvement to the site's biodiversity will be achieved.

A central gas powered boiler is proposed which would provide independent heating and hot water to each dwelling, providing a more energy efficient heating and hot water system than would be provided by individual systems to each dwelling.

Sustainability issues have been considered from an early stage in the design process and are integral to the overall approach. Officers are satisfied that the proposals have incorporated sustainable approaches throughout the design process and that they would meet the requirement of the Council's Sustainable Design and Construction SPD.

Security

Prior to submission the applicant had approached the Metropolitan Police to discuss security aspects associated with the proposed development. Although they raised no objection to the application some specific issues were identified in relation to security and lighting for the undercroft car parking area and the residential access points. A condition has been attached requiring submission of a security management plan to ensure that such matters are satisfactorily addressed.

Refuse/Recycling

The refuse store would provide satisfactory space for both general and recycling bins with access onto Mapesbury Mews for collection where existing refuse collection for the 5 student flats takes place.

Proposed refuse and recycling facilities are therefore considered acceptable.

Scheme Viability

Policy H5 seeks to achieve the maximum reasonable amount of affordable housing up to a target of 50%.

Policy 3A.10 of the London Plan (consolidated with alterations since 2004) seeks to achieve the maximum reasonable amount of affordable housing for developments up to the mayor's strategic target of 50% subject to the individual circumstances of the site and taking account of individual site costs and other scheme requirements.

Policy 3.12 of the Consolidated draft replacement London Plan (2010) requires boroughs to set overall targets in their LDFs for the amount of affordable housing provision needed over the plan period in their areas.

LBB's Development Management Policies Submission Draft – May 2011 includes policy DM10 which seeks a minimum of 30% affordable housing for schemes of 10 units or more subject to viability with a more flexible approach where the number of units is between 10 and 15.

The application was submitted with a viability report dated 20 April 2011. This was assessed for the council by an independent consultant.

The applicant's report concluded that the proposed scheme with eighteen residential and two commercial units would not be viable with the provision of any affordable housing.

The independent viability consultant retained by the Council has confirmed that had the whole of the existing site been available for development it is likely that some affordable housing could be achieved. However by safeguarding one third of the application site for future highway works scheme viability is significantly effected and has confirmed that no affordable housing can viably be provided.

The London Plan allows for the level of affordable housing to be set subject to a viability assessment. Recent appeal findings have also supported the provision of no affordable housing in instances where it can be demonstrated that its provision would curtail the development of the site.

It is therefore accepted that the scheme can not make provision for affordable housing.

Section 106

The proposals make provision for a range of Section 106 contributions as follows:

Affordable Housing

As detailed above the proposed application would not be sufficiently viable for any affordable housing provision. This has been considered an acceptable position by housing officers due to the importance of the safeguarding of the 'highways strip' to the front of the site which directly impacts upon viability issues. The safeguarding of this strip is essential to bring forward the wider West Hendon Regeneration proposals and its associated affordable housing.

Highways

A contribution of £35,000 index linked towards public realm improvements in the area and to cover fees for the amendment of the Traffic Regulation Order to exempt the residents from purchasing permits for the West Hendon Controlled Parking Zones WH1, WH2 and WH3.

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.

A contribution of £5,000 Index linked towards the monitoring of the Travel Plan for the development.

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).

Education and Libraries

A contribution of £21,010 index linked toward education provision in the Borough.

A contribution of £3,118 index linked towards library provision within the borough

Health Facilities

A contribution of £15,964 index linked towards the provision of Health Facilities within the borough.

The contribution of a sum of £2,400 index linked towards the monitoring and management of the S106 planning obligations.

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

4. EQUALITY AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set out in our Equality Scheme they support the council in meeting its statutory equality responsibilities.

In particular the development would achieve Lifetime Homes Standards throughout, would provide 10% wheelchair adaptable units and three disabled car parking spaces.

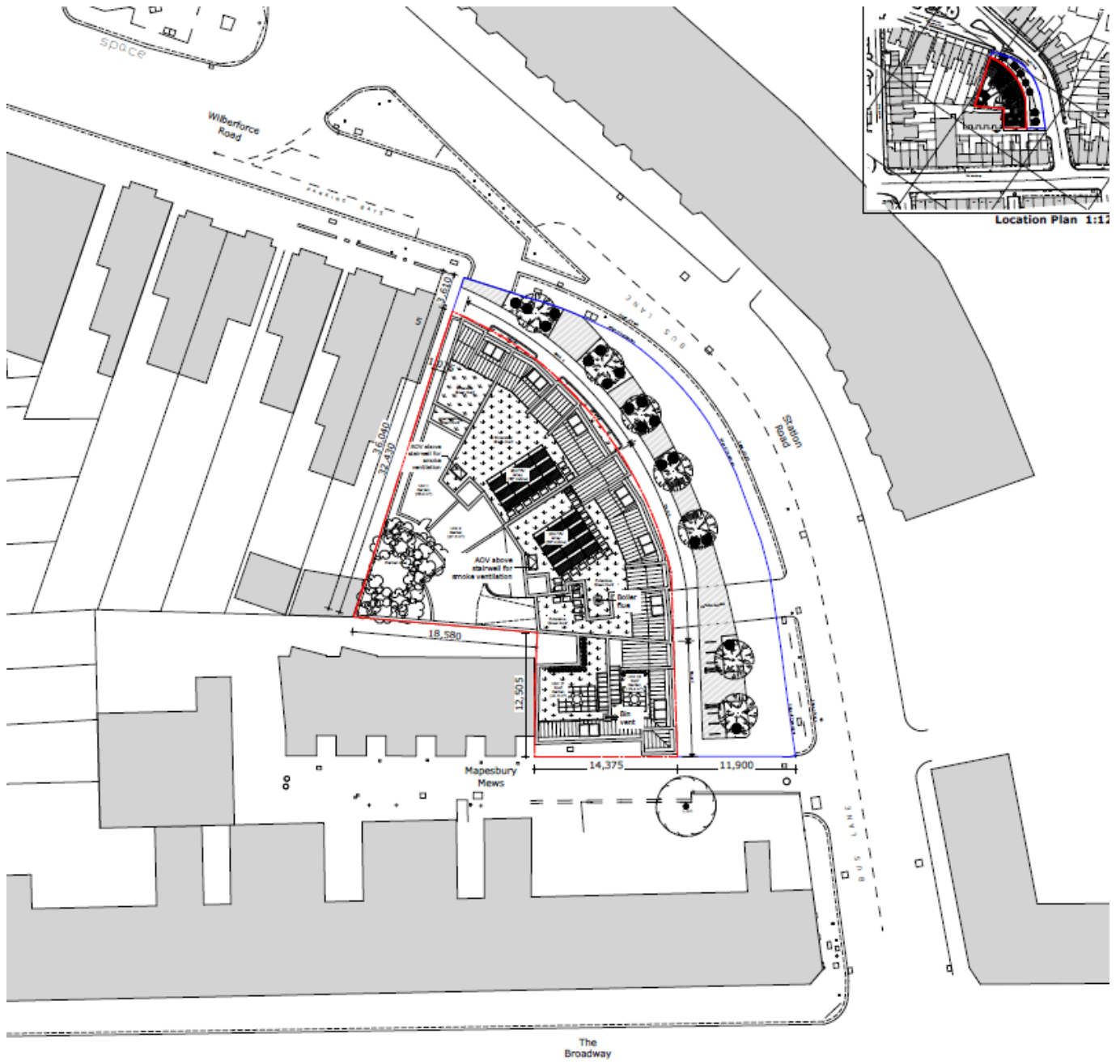
5. CONCLUSION

The proposed redevelopment would result in the development of a high quality, sustainable building in keeping with the character and scale of buildings in this location. The proposals are in keeping with the site's edge of town centre location and would not prejudice the future of the wider West Hendon Regeneration development.

The application complies with the requirements of the London Borough of Barnet Adopted UDP (2006) and the London Plan (consolidated with Alterations since 2004).

Accordingly, subject to the completion of the proposed section 106 agreement and safeguarding conditions detailed in the recommendation, **APPROVAL** is recommended.

Appendix 1 - Site Plan



Appendix 2 - 3D Render Views



Cam 04 - View across Wilberforce Road and Station Road Junction

NTS



Cam 01 - View down Mapesbury Mews from Station Road

NTS



Cam 0 - Westward view across Station Road

NTS



Cam 02 - View North up Station Road from Broadway Junction

NTS



Cam 03 - Northward view up Station Road with Google Earth street view added

NTS

LOCATION: Wyevale Garden Centre, Daws Lane, London, NW7 4SL

REFERENCE: H/01702/11

Received: 19 April 2011

Accepted: 26 April 2011

WARD(S): Mill Hill

Expiry: 26 July 2011

Final Revisions:

APPLICANT: c/o Etz Chaim Primary School

PROPOSAL: 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.

RECOMMENDATION I:

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.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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.

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).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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.

Reason:

To ensure that the use does not prejudice the amenities of occupiers of neighbouring residential properties.

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.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

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.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

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.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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.

Reason:

In order to safeguard the special architectural interest of the building and ensure highway safety.

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.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

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 Coordinator, measurable targets and a clear action plan for implementing any measures. The School Travel Plan should be reviewed annually in accordance with the targets set out in the Plan.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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.

Reason: In the interest of highway safety in accordance with Policy M11 of the London Borough of Barnet Unitary Development Plan 2006.

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.

Reason:

To ensure adequate access levels within the development.

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.

Reason:

To ensure the proper planning of the area and to comply with policies M8, M10, M11, M12, M13 and IMP1 of the adopted Unitary Development Plan.

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.

Reason:

To ensure a satisfactory appearance to the development.

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.

Reason:

To ensure a satisfactory appearance to the development.

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.

Reason:

To ensure a satisfactory appearance to the development.

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.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

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.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

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.

Reason:

To enable the local planning authority to retain control over these matters in the interests of the amenities of the adjoining properties.

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.

Reason:

To secure well managed safe community access and to ensure sufficient benefit from the development and to accord with Unitary Development Plan policy.

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.

Reason:

To enable the local planning authority to retain control over these matters in the interests of controlling the intensity of use.

24. The development hereby permitted shall be carried out in full accordance with the details shown on the approved plans.

Reason:

To ensure the permission is implemented as approved.

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.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

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.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

27. A hazardous building materials survey shall be undertaken prior to the development commencing.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

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.

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

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 policies 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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

- Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
- Planning Policy Guidance Note 2 (PPG2): Green Belts
- Planning Policy Statement 4: (PPS 4) Planning for Sustainable Economic Growth
- Planning Policy Statement 9: (PPS 9) Biodiversity and Geological Conservation
- Planning Policy Guidance Note 13 (PPG13): Transport
- Planning Policy Guidance Note 17 (PPG17): Planning for Open Space, Sport and Recreation
- Planning Policy Statement 24 (PPG 24): Planning and Noise
- Planning Policy Guidance Note 25 (PPG25): Development and Flood Risk

Ministerial Statement on Removing Planning Barriers (Schools): July 2010

The Mayor's London Plan: Consolidated with Alterations since 2004:

Policies: 3A.24 (educational facilities), 3C.1 (integrating transport and development), 3C.23 (parking strategy) 3D.9 (green belt), 4A.3 (sustainable design and construction), 4A.14 (sustainable drainage), 4B.1 (design principles for a compact city), 4B.5 (creating an inclusive environment) and 4B.8 (respect local context and communities)

The Mayor's London Plan: Consultation draft replacement plan 2009:

Policies: 3.19 (educational facilities), 5.1 (climate change mitigation), 5.3 (sustainable design and construction), 5.13 (sustainable drainage), 6.13 (parking), 6.3 (assessing transport capacity), 7.2 (inclusive environment), 7.4 (local character), 7.16 (green belt) and 7.19 (biodiversity and access to nature)

The draft replacement London Plan is generally supportive of proposals for new schools and in particular, within its Context and Strategy section states,

"A growing city with an increasing number of young people will need more educational facilities at all levels. At the same time, policy is likely to favour greater choice of school provision.

Planning policies supporting the allocation of sufficient space for education and facilitating development of schools and colleges in appropriate places will be essential to London's continued economic success, tackling exclusion and disadvantage and improving quality of life."

In the London's People section the London Plan refers to new schools provision,

"Access to a high quality school education is a fundamental determinant of the future opportunities and life chances of London's children and young people. London's population will continue to be younger than elsewhere in England and Wales and by 2031, its school age population is projected to increase by almost 17 per cent. At the same time, it is likely that national education policy will favour greater diversity in the nature of supply, with an increasing range of specialist schools."

Relevant Unitary Development Plan Policies:

GSD(Sustainable Development), GBEnv1 (Character), GBEnv2 (Design), GBEnv3 (Safe Environment), GBEnv4 (Special Area), GRoadNet (RoadNet), GParking (Parking), GCS1 (Community Facilities), ENV12 (Noise Generating Development), D1 (Design), D2 (Character), D3 (Spaces), D4 (Overdevelopment), D5 (Outlook), D9 (Designing out Crime), D10 (Community Safety), D11 (Landscaping), O1 (Green Belt), O2 (Green Belt-New Buildings and Uses), O3 (Extensions to buildings), O6 (Re-use of buildings), M11 (Safety of Road Users), M12 (Safety of Road Network), M13 (Safe Access), M14 (Parking Standard), CS1 (Community and religious facilities), CS4 (Educational Facilities), CS5 (Shared Use), CS6 (New School sites), TRC19 (Neighbourhood Centres, shopping parades and local shops), L8 (Tourist facilities – retention).

Relevant Supplementary Planning Guidance (SPG) and other corporate documents:

- Mayor of London SPG: Sustainable Design and Construction (May 2006)
- Barnet's Sustainable Construction and Design Supplementary Planning Document (SPD) (Approved May 2007)
- Barnet's Three Strands Approach
- A Sustainable Community Strategy for Barnet 2006-2016
- London Borough of Barnet Corporate Plan 2007/08- 2010/11
- Cabinet report 'Investment strategy to meet demand for primary school places' dated 6 September 2010

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

The Council published its Development Management Policies – Submission Draft DPD in May 2011. The document has been subject to two rounds of public consultation and therefore weight can be given to it as a material consideration in the determination of planning applications. The Development Management policies document sits beneath the Core Strategy in the hierarchy of the Local Development Framework. It sets out the detailed borough-wide implementation planning policies for development and forms an important part of the policy framework for the Local Planning Authority's decision making.

Of relevance section 15.6 of the Core Strategy states:

"We will continue to identify opportunities to improve the condition of secondary schools in Barnet and to provide sufficient school places, building on the success of the investment programme which has already delivered four new primary schools and one secondary school on time and on budget. The government's 'Free Schools' programme may also help to meet some additional demand for school places.

Barnet has a uniquely diverse range of schools with high numbers of Church of England, Catholic and Jewish schools, as well as several single sex and selective secondary schools. Meeting parental choice for particular types of school remains a priority. We welcome approaches from schools within the independent sector that want to join the maintained sector, or from groups wishing to set up a 'Free School', where parental demand is proven and the school provides premises that conform with basic school requirements as set out in relevant guidance from the Department for Education (DfE). "

Relevant Core Strategy Policies:

Policies: CS1, CS5, CS7, CS8, CS9, CS10, CS12.

Relevant Draft Development Management Policies:

Policies DM01, DM03, DM04, DM13, DM15, DM17

The Three Strands Approach

In 2005 the Council developed the Three Strands Strategy to protect all that is excellent about Barnet whilst enabling the Council to respond to the needs of the community. The Three Strands approach is based around the three strands of protection, enhancement and consolidated growth. The purpose of the Core Strategy is to guide the growth identified in the borough to ensure that the qualities that make Barnet an attractive place to live are maintained and enhanced.

Relevant Planning History:

W02809B – Change of Use from Swimming-pool to leisure centre – Approved 23/2/81

W02809C – Erection of two covered training swimming pools – Approved 23/2/1981

W02809D – Adaptation of existing buildings and new building for leisure centre, incorporating multi purpose hall, gymnasium, beauty salon, sauna, Jacuzzi, bar and restaurant – Approved 21-3-1985

W02809E – New Garden centre with ancillary buildings for the sale of plants and associated products, access and car parking – Approved 4/2/1987

W02809H – New trellis fencing along Daws Lane car park – Approved 10/2/88

W02809K – Change of use of part of the pavilion to a public tea room – Approved 14/12/88

W02809M – New glass house over existing open sales area – Approved 12/3/1991

W02809P – Variation of condition 8 of planning permission W02809E to extend restaurant hours – Approved 16/3/93

W02809R – Use of garden centre for display and sale of aquatic products, antiques and collectables (Variation of condition 11 of permission W02809E) – Approved 23/3/94

W02809W/04 – Installation of 2no. conservatories – Approved – 2/2/05

W02809X/06 – Renewal of planning permission W02809U/01 dated 2/4/01 for the erection of a glass house over the existing open area sales display, dated 3/4/06

W02809U/01 – Renewal of planning permission W02909T approved March 1996 for the erection of a glass house over the existing open area sales display dated 2/4/01.

W028029V/04 – Installation of 5no conservatories to be used as a show site – Approved dated 22/4/04.

Consultations and Views Expressed:

The planning application was registered on the 26th April 2011, providing residents up to 5 weeks to comment from 26th April to 30th May on the submitted proposals.

Neighbours Consulted: 2342

Replies: Approx 2500 letters of objection were received to the application.

1400 letters of support have been received to the application.

Neighbours wishing to speak 30

Date of Site Notice: 05 May 2011

The application was advertised on site at two locations at either end of the site on Daws Lane dated 5th May 2011. The application was also advertised in the local press.

A petition with 3000 signatories was received objecting to the application

Of note, out of the approximately 2500 objections submitted the majority of these were issued as a standard letter raising a number of concerns about the scheme (Attached in Appendix 1). The comments can be summarised as follows –

1. Traffic congestion
2. Pedestrian safety
3. Negative changes to the frontage of the current building & Green Belt breaches
4. Destruction of tourist and economic site
5. Diminution of shopping facilities where there is no accessible alternative
6. Discriminatory policies and breaching the Equalities Act 2010
7. Breaching equal access Policies
8. Not responding to local citizens and their needs
9. The council waiving £330,000 entitlement from the assignment

The Action Group in opposition to the application submitted extensive objections to the scheme on a number of issues including: -

- Traffic - large amount of cars arriving in peak times on Daws Lane
- Applicants traffic figures are incorrect as much as other nearby local schools have at least 60-80% of parent driving to school
- Other existing nearby schools bring traffic away from Daws Lane
- Garden Centre site is an amenity source on this side of the A41 which forms a barrier to Mill Hill Broadway
- Traffic accidents highlighting there was an incident resulting in a fatality in Daws Lane
- Railing would impact on the Green Belt creating a barrier
- Impact on the conservation area
- Impact to Biodiversity including bats
- Garden Centre is used by vulnerable groups, the loss of which would be contrary to the Equalities Act 2010 (s.149)
- Views of the vulnerable groups should be taken in account, mindful of the recent Birmingham City Council case.
- Contrary to UDP policy
- Loss of a tourist attraction
- Loss of an economic site
- Loss of retail floorspace
- Numerous other sites available
- Contrary to National Government policy

In addition the following information was also submitted -

- Numerous objection letters were sent from elderly and disabled residents confirming the objection to the loss of the Garden Centre.
- Comments from a number of community organisations and service providers formed part of this pack objecting to the scheme. Including, Community Space, Flower Lane Autism Service, Good Neighbours Scheme, ABC Kids limited, St Paul's Primary School.
- Mill Hill Residents Association Letter in objection
- Report and Financial Statements for the Garden Centre Group Holdings Limited
- Birmingham City Council Judgement 2011.

Mill Hill Preservation Society object to the scheme and make the following comments in relation to the application -

- Increase in noise and disturbance
- Increase in light pollution
- Increase in general pollution
- Harm to biodiversity
- Issues of wider community use. High security philosophy will make site less available to the community as a whole
- Transport issues
- Application lacks specific detail
- Current Garden Centre remains a form of communal facility
- Possible future school expansion and use into the Park
- Legal matters concerning property issues around agreeing the change of use. Breach in the underlying gift of the land to public use in the 1920's
- Loss of retail floorspace
- Loss of garden centre
- Garden Centre users will have to travel further away and therefore more reliant on the car
- New railings would enclose the site and be harmful to the appearance of the site and open green space
- Security concerns may impact on nearby residents and children's playground
- Lack of green space for pupils
- Lack of car parking spaces and dangerous manoeuvring required
- School is not a community school but a private faith school
- Loss of a community facility used by many local groups including the disabled and the vulnerable
- Out of hours disruption out side school hours detrimental to the amenities of neighbouring occupiers
- Misleading to suggest that 80% of pupils will walk to school
- Dangerous for young children crossing road
- Daws Lane is a very busy road, major bus route and greatly reduced by parked vehicles
- Local car park will be lost for the community
- Any proposed Controlled Parking restrictions will be objected to
- Contravenes Greenbelt policy as there is no special circumstances
- Site is the preferred choice for the school and not the only site
- Proposal would be detrimental to the history of the site

Mill Hill Residents Association object to the scheme and make the following comments in relation to the application -

- Consultation by the applicants is flawed
- Limiting the access is breach in the original intention of the land
- Loss of amenity for residents
- Breach of Equalities Act 2010
- Increase in Traffic up to 180 cars twice a day
- Daws Lane is a major through road
- Increase in pedestrian danger and child safety
- Existing garden centre traffic is vastly different to school traffic
- Increasing traffic through Albert Road and Victoria is a black spot
- Need for an increase in road mitigation and repairs
- 240 bus will be slowed down
- Little parking available after 9am
- Drop off and pick up in the car park is unsafe
- The site is within the Green Belt and PPG2 applies
- School is requesting to open at weekends which is irregular
- Fewer children will walk than the applicant is claiming
- The use of the car will be higher than the applicant is stating
- Department of Education advice on energy consumption and sustainable development
- It will be difficult for local residents to leave and enter homes at school drop off and pick up times
- School have applied for floodlights
- Future proposals could involve expansion
- Impact on nature conservation and loss of trees
- Biodiversity issues
- Overlooking and loss of privacy
- Noise and disturbance resulting from use
- The existing use can be used by all sections of the community, which does not apply to for a school.

The application generated approximately 1400 letters of support which make the following points in summary -

- School would be good for the area and community
- There is a desperate need for primary school places
- Great opportunity for local children who will walk to the school
- Would provide a platform for the community
- There is an increased number of young families in the area
- School is essential for the Jewish community
- School would be on a direct bus route
- Most pupils will walk to the school as it will be local to them
- Considerable shortage of decent school places
- Many local parents now drive long distances for the school run. This would enable them to walk to a local school.
- It would be an enormous benefit to the local community and the building would be open to other users.

Brian Coleman, GLA Assembly Member for Barnet and Camden -

Supports the application for the following reasons:

- The requested change of use from A1 (Garden Centre) to D1 (Education) will not have a negative effect on the local area
- Will improve a much needed increase in educational provision
- The quantum of car parking spaces is sufficient
- The forming of an open courtyard, play area and soft landscaping to be of a good quality design
- There is a high demand for a Jewish free school in Mill Hill and would urge the Committee to grant the application

Internal consultees:

Traffic & Development - No objections subject to conditions. Main comments are summarised in the body of the report.

Environmental Health - No objections in principle subject to conditions.

Children's Services - Support the proposals for a new one form entry Primary School.

External consultees:

Greater London Authority and Transport for London (GLA and TFL) -

The Mayor of London considered the application on 16 May 2011 and issued a Stage 1 response to the Council. Its recommendation to Barnet Council is that whilst the application is acceptable in strategic planning terms, the application does not comply with the London Plan for the following reasons -

- Education and community facilities - The education and community uses are compliant with the London Plan policies, subject to securing community use of the facilities outside of school hours.
- Accessibility and Inclusive Design - Insufficient information has been provided to demonstrate that the scheme complies with London Plan policy relating to inclusive environments
- Sustainable development - The proposals are acceptable in principle, subject to further information being provided in relations to the applicants commitment to climate change mitigation and adaptation.
- Transport - The car and cycle proposals are considered acceptable, however the submitted transport statement does not provide comprehensive analysis of the likely transport and highway impact resulting from the proposed school as required by London Plan transport policies.

Secretary of State (SoS) - Has advised that the Council should notify the Secretary for State, if minded to approve the application. Having considered the application the Secretary of State will issue a letter of either non-intervention, allowing the Council to take the decision on the application or call-in, stating that the application will be considered by an Inspector at a public inquiry prior to the Secretary of State determining the application.

Metropolitan Police Service - No objection to the application

Highways Agency - No objection to the application

Following receipt of the Stage 1 response from the Mayor of London the applicant has supplied additional information to the Council to address some of the deficiencies raised. This consisted of –

Accessibility Statement; Revised Ground Floor Plan; Landscape Plan, Elevation and Section; Covering Letter from MLM Consulting Engineers including; Mean Multi modal Traffic Data; Pedestrian Links; Renewable Energy Strategy Report; Mechanical and Electrical Services Report; Updated Travel Plan; Etz Chaim Community Use Statement; Etz Chaim Home School Agreement

Should members resolve to grant planning permission the application must be referred back to the Mayor.

Following receipt of the additional information, further notification letters were sent giving 2 weeks for further comments to be made. This attracted approx 66 letters of objection and 5 letters of support.

The following comments were made in response to this additional information -

- Traffic congestion
- Pedestrian safety
- Greenbelt breaches
- Loss of a tourist facility and economic site
- Application does not respond to local needs
- Council has waived an entitlement for the lease assignment
- Lack of time to assess the additional information
- Enough schools already
- Pupils at risk from pollution
- Precedent for development in other Green Belt locations
- Does not fit into Big Society
- Huge community objection
- Proposal is only for one section of the community
- Walking bus will be from the local Synagogue and would lead to traffic congestion there
- Railings and security hut will be visually intrusive
- Future pressure to expand
- Harm to bats
- Loss of public access to park
- Land should be for community use
- Other sites should be available

Mill Hill Residents Association and Mill Hill Preservation Society maintain objections to the scheme, and their comments can be summarised as follows –

- Proposal does not meet exemptions to inappropriate development in PPG2
- New security hut and fence would detract from the openness of the Green Belt

- Development would be out of keeping
- Health and Safety issues
- Car Park would be unworkable
- The GLA did not have an opportunity to assess the additional information
- Amendments made to the security hut

The Action Group object to the additional information and comments can be summarised as follows –

- Exceptional circumstances have not been proven for the school
- Security hut, fence and measures do not comply with the open character of the Green Belt and will seriously effect visibility of pedestrians
- Details of the application were not presented to the Mayor of London's Office
- Failures in the Travel plan
- Community use does not address needs of the elderly and disabled and would not include persons not practicing Kosher Laws. Development would remove a key resource for the elderly and adults with learning difficulties
- The level of objection against the scheme
- Lack of consultation contravenes the Equalities Act 2010 section 149.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is the Wyevale Garden Centre site, located on the south side of Daws Lane, NW7. Daws Lane is a classified road which links Hammers Lane to the east and Watford Way to the west.

The site is located within designated Green Belt and adjoins a public car park to the east and the former Civil Defence Building just beyond. Mill Hill Park is situated at the back of the site to the south and the Post office Sorting Depot to the west.

The freehold of the site is owned by Barnet Council and it is currently leased to Wyevale Garden Centre.

The existing building is an inter-war property originally constructed as a lido for outdoor recreation use, which closed in the 1980's. The building is single storey with a large steeply pitched roof containing six dormer windows sited in the north elevation facing Daws Lane. The building is laid out in a horse-shoe arrangement and has been modified over the years, with for instance the provision of additional covered glazed area and conservatory addition to the rear.

The site frontage is open and is largely hard surfaced with a planting strip abutting the footway. The rear of the site is currently used for plant and product sales and is hard surfaced.

Proposal:

The planning application seeks permission for a change of use from A1 (retail) Garden Centre to D1 (Education) to accommodate the Etz Chaim Mill Hill Jewish Free School.

The proposed primary school will be one of the first Government funded Free Schools in the country and follows the announcement made on 6th September 2010, by Michael Gove MP, Secretary of State for Education, that Mill Hill Jewish Primary School (now known as Etz Chaim) is to be among the first 16 free schools nationally to be able to progress their application to open in September 2011.

Free Schools are all-ability, state-funded schools, set up in response to parental demand. They are publicly-funded independent schools, free from local authority control. The Etz Chaim Free School has been set up in response to the local Jewish community need for an Orthodox Jewish Primary School in Mill Hill. The schools admission policy is not restricted to only Jewish Children with only 50% of the intake being on religious grounds with the remainder selected on a proximity basis.

The proposed change of use of the existing building from a garden centre to an education use would provide a 1 form entry Primary School for 236 pupils (7 Classes of 30 pupils and 1 nursery of 26) and 20 members of staff.

The proposals also involve the retention and conversion of the building, with alterations as highlighted below.

The proposal would involve the removal of the following elements of the building -

- The central glazed roof and attached poly carbonate canopy (approx 1200 sqm)
- The glazed canopies and conservatory on the eastern side of the building (approx 290 sqm)

The development includes the following additions and alterations:

- A replacement side extension on the eastern side of the site which would be approx 275 sqm and would accommodate a similar footprint to the existing structures.
- The provision of 17 car parking spaces of which two will be allocated for disabled use. The car parking spaces will be accessed from the existing vehicular access point from Daws Lane at the western end of the site.
- A new front boundary treatment along Daws Lane which would consist of 1.8m high steel palisade railings, across the full width of the site.
- Planting is proposed in front of the railings on the grass verge area.
- A proposed new security hut which would have timber elevations and pitched roof sited in front of the railings near the entrance to the car park. It would measure approx, 3m in width, 2m in depth and 3m in height to the top of the roof.
- Opening up the rear of the site to form an open courtyard and play area with additional soft landscaping.

Planning Considerations:

The main planning issues are considered under the following sections -

- Section 1 - Green Belt issues
- Section 2 - Need for a new school
- Section 3 - Principle of the change of use
- Section 4 - Transport and highway issues
- Section 5 - The impact on the amenities of nearby occupiers

- Section 6 - Design and access issues
- Section 7 - Biodiversity

Section 1:
Green Belt Issues:

The application site falls within identified Green Belt land. National Government advice on land within the Green Belt is provided through Planning Policy Guidance Note 2 (PPG2).

Within the guidance it sets out that there are five reasons for including land in the Green Belt. These are:

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

The proposal is for re-use of the building and advice is given within sections 3.7 and 3.8 of PPG 2, which state that -

"With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts since the buildings are already there, and;

The re-use of buildings inside a Green Belt is not inappropriate development providing -

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out)."

With regard to visual amenity, paragraph 3.15 of PPG2 states that -

"The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design."

The building's current use involves the sale of plants, garden material and associated products. The site is open 7 days a week with no control on numbers of employees or customers. The proposed school would operate at different times with a concentration of activity during the school day and during school terms. In terms of

activity and intensity of use, the proposed school use would be likely to result in less activity, other than at school drop-off and collection times, than the existing use. At weekends activity associated with the site will be less. In comparison to the existing use therefore, it is considered that the proposed use, in terms of the intensity of use and associated activity would be no more harmful than the lawful use of the site.

Existing canopies and structures to the rear of the building and on the eastern part of the site would be removed as part of the proposals. The replacement extension on the eastern side of the site, would be within the envelope of the current building and overall represents a significant reduction in built form and floorspace. The new extension equates to approx 275 sqm of floor space which is significantly less than the internal glazed roof which will be removed equating to approx 506 sqm. There is therefore a reduction of 231 sqm floorspace on site.

The proposal also involves the erection of new palisade railings which would be 1.8m in height to the front of the building. Each railing post would be evenly spaced in order to allow for views in and out of the site and would be set back from the footway by 2.5m. This would allow additional planting on the existing grass verge to soften the appearance of the railings in the streetscene. The provision of railings along the front of the site would provide the proposed school with necessary security measures, as advised by the Community Security Trust.

The siting of the existing garden centre building prevents views into the park and further Green Belt land beyond. The new railings would be set back from the footway and designed to allow views through, with landscaping to be planted at the front. The provision of new railings along the front, whilst having some visual impact in its appearance in the streetscene, would not compromise the sense of openness or harm the visual amenities of the Green Belt.

The proposed development would result in a significant reduction in built form ensuring increased openness at the rear of the site. The proposals would be in accordance with the advice in PPG 2 on the re-use of buildings within the Green Belt, would improve the overall openness of the site and would therefore not amount to inappropriate development or conflict with the purposes and functions of land within the Green Belt. The development is considered compliant with Green Belt policy, particularly PPG2 and policies O1, O3 and O6 of the Adopted Barnet Unitary Development Plan.

Section 2 : **Identifying a Need for a School**

The planning application has been submitted, following approval from the Department of Education for a Jewish Free School in Mill Hill.

It is acknowledged that there is an identified continuing demand for primary school places in the borough. This is set out in Barnet Cabinet meeting and report (dated 6 September 2010) 'Investment Strategy to meet demand for primary school places'. This report concludes that there is an unprecedented demand for primary school places in the borough and between 2004 and 2009 births rose by 18% in the borough. There is insufficient capacity in Barnet's primary schools to meet current and projected demand. The Local Authority has a statutory duty to ensure that there are sufficient primary school places within close proximity to each child's home.

In addition, school sites should be located within areas close to demand.

For the purposes of primary school place planning, Barnet is split into six areas. The proposed location of Etz Chaim Free School is in the Hale, Mill Hill, Edgware and Totteridge School planning area. The latest available pupil projections indicate that there is sustained demand for at least an additional 60 Reception places in this area from 2012 onwards. There is also pressure borough wide for Jewish primary school places.

Barnet's children benefit from diverse educational provision and the Council recognises the role that Free Schools can play in helping to meet parental preference and providing much needed school places.

There are currently 793 permanent primary school places in the Hale, Mill Hill, Edgware and Totteridge School planning area (Table 1 in Appendix 2).

The Mill Hill, Hale and Totteridge School planning area has been experiencing a significant shortfall in places for the last two years and this shortfall is predicted to continue. Sustained additional demand for Reception places in this planning area is projected for the next five year planning period. Projections are updated yearly to ensure they reflect changes in Barnet's demographics. The most recent 2011 projections are shown in table 2 of Appendix 2. Classes are usually organised in blocks of 30 pupils, and therefore the additional demand is given in forms of entry (FE). The significant fact is that at least 60 places (or 2 new classes) will be needed for the foreseeable future, rising to a possible 90 places in Sep 2015.

Birth rates are increasing in the area and are having a direct effect on the demand for primary school places. Table 3 (appendix 2) shows the number of children born to mothers in the Hale, Mill Hill, Edgware and Totteridge areas since 2002/03 confirming a sustained rise in number of births.

Demand for Jewish primary school places

Pupil projections do not indicate whether pupils would only attend or would prefer to attend a religious school. However in the past, pupils applying for a place at an orthodox Jewish school rarely list other non-Jewish state-maintained schools on their application form. For September 2010 Barnet received 480 applications with a first preference for a Jewish school compared to 381 available places (Tables 4 and 5, Appendix 2).

There are 10 voluntary aided Jewish schools in the borough, which includes the introduction of Edgware Jewish Primary school. In 2011, applications for reception classes in these schools was 469, compared with the 411 permanent places that were available (table 6, appendix 2). An assessment into the expansion of these existing schools was undertaken. This assessment concluded that there was little capacity to increase pupil numbers in these locations. The school proposers have investigated potential acquisitions of other sites in the Mill Hill area.

Admissions Criteria

The applicants have set out the need for a school within this location. It is important to note that proximity to the school is key to admissions criteria for new intake and anyone can apply regardless of faith.

The applicants have confirmed the following -

- If 28 or less children apply, then all of them will be offered a place regardless of faith.
- If more than 28 children apply, after the admission of children with statements of Special Educational Needs where the School is named on the statement, the criteria will be applied as follows -
 - children in public care;
 - admission of up to 50% of pupils on the basis that they can demonstrate through the possession of a relevant and recent Certificate of Religious Practice (CRP) that they are practicing Jews fully engaged with the Jewish community.
 - admission of pupils on the basis of proximity to the Reception.

Should the school be oversubscribed then the 50% policy (14 children) will be selected on the basis of faith with the closest first taking priority and the remaining 50% (14 children) on the basis of proximity to the school (regardless of faith).

Should there be, for example 100 applicants for the 28 places and all applicants hold a CRP certificate then the 28 places will be offered on the basis of proximity to the school.

If there are 100 applicants for the 28 places of which 70 hold CRP certificates and 30 do not; the 50% (14) will be offered first from the 70 CRP holders on the basis of proximity (closest first). The remaining 14 places will be offered to the closest 14 applicants of the remaining 86 applicants (i.e. the 56 with CRP and 30 without). The 14 'faith' places will simply be allocated on the basis of distance.

For applications in 2012 and after, children with Statements and/or in Care and siblings of children who attend Etz Chaim Jewish Primary School will be prioritised.

Site Selection Process

The applicants have carried out an assessment of the existing Jewish Primary Schools (Voluntary Aided) to determine whether there is scope for expansion. This assessment concluded that there is little or no scope to develop existing voluntary aided Jewish Primary schools in the borough in order to meet the identified need.

The applicants have provided supporting documentation in assessing a number of other potential alternative sites to be considered for suitable alternative premises. These included -

- The MIL Building, The Ridgeway, NW7
This former missionary training college would require extensive renovation. There are issues of access and egress and its potential is limited due to its size.
- Holcombe House, The Ridgeway, NW7
Is a Grade II listed ten bedroom house, requiring renovations and extensions. Also of limited size with access issues.

- St Joseph's College, The Ridgeway, NW7
The site is extensive and is a grade II listed building. Its cost and required renovation prevent further investigation
- Littleberries, The Ridgeway, NW7
Site is too large and expensive
- Mill Hill Golf Club
Was not for sale or available within the timescale as the club are seeking to realise the planning permission for a new clubhouse building
- Inglis Barracks, Mill Hill East
The site is subject to comprehensive redevelopment and not for sale
- Edgware Abbey, Hale Lane, HA8
The building is a grade II listed building. The site is constrained by its one way access and egress
- Bunns Lane site
This is a brownfield site located in between the M1 and mainline railway. Its location in an area of light industrial buildings and transport routes would be inappropriate for a primary school
- Block of Flats, Hale Lane
Site is no longer available
- Mill Hill Synagogue
There is insufficient space to accommodate a new one form entry school
- Copthall site
This site has been referred to as a possible alternative to the current garden centre location. However, the site is located in Green Belt land and does not contain any buildings which are suitable for conversion. The development of new buildings in the Green Belt would be required and therefore in greenbelt terms the application site is more sequentially preferable.
- Holland House School
This is a fee paying school outside the catchment area
- Woodcroft School
Is an existing functional primary school with limited scope for the proposed use

The applicant has considered the alternative sites specified above and listed the reasons why they could not be pursued. Given that there is an identified need for additional primary school places in this part of the borough and the Department for Education has accepted the proposal for a Jewish Free School in Mill Hill, the principle of a new school is acceptable.

Section 3: **Principle of the Change of Use**

Loss of Garden Centre Use

Planning Policy Statement 1 (PPS1) advises:

"The Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens."

The application site has an extensive planning history, having previously been the Mill Hill Swimming Pool. Planning permission was granted in 1987 (ref. W02809E) for the use of the site for a Garden Centre with ancillary buildings for plant sale and associated products. This permission was subject to a condition (11) which restricted the sale of goods to only plant and related non-food material. The reason for this condition was due to the site's location outside a town centre, as an unrestricted A1 use would potentially harm the vitality and viability of the nearby town centre.

The Council's Unitary Development Plan (UDP) has no policies which specifically refer to proposals which result in a loss of garden centre use or floorspace. The site is not within primary or secondary retail frontage of a Town Centre or within a local shopping parade identified in the UDP.

Policy TCR19 seeks to protect neighbourhood centres, free standing shopping parades and isolated shops. Changes of use resulting in loss of A1 will be resisted unless there will be no significant diminution of local shopping facilities, alternative shopping facilities are available, the proposed use is within A2, A3 or A4, A5 or meets an identified local need and there is no known demand for A1 use. This policy is designed to protect local shopping facilities that meet everyday needs. However, a garden centre does not sell the type of goods that would normally be found in a local parade or isolated shop. The introduction of a retail unit selling a greater range of products normally found in a local shopping area would be contrary to established policy, as it would potentially harm the retail viability and vitality of existing parades and town centres.

The garden centre is regarded by many objectors to the scheme as an important resource for the local area. The objections received also confirm that the buildings layout, form, range of goods sold, aquarium and cafe are popular. Whilst this is accepted, in planning terms this is not a reason to justify refusal of planning permission. The applicants are committed to providing a use for the building which is available for use by the local community. The proposals include a school hall (140 sqm) and a large external play space including a soft landscaped area that would offer a beneficial community resource. A draft community access statement has been submitted by the applicants and details of community use will be secured by a planning condition attached to the permission.

It is also noted from many of the letters received, that the garden centre is used by vulnerable sections of the community, notably the elderly and disabled groups. In particular the Autism Service which operates from Flower Lane regularly use the

centre to visit with clients. In addition it is recognised that the centre engages with local schools and children's groups offering their facilities to users. Many of the objections refer to the excellent level of service staff provide and how accommodating and helpful they are to users. Whilst this is highly commendable, the loss of these services and opportunities within a building which in planning terms is classified as an A1 retail business, does not conflict with established planning policies and does not justify a refusal of planning permission

The garden centre use provides employment for approx 24 members of staff, some of which are on a part time or seasonal employment basis. The proposed school use would employ approx 20 members of staff, representing a similar level of employment.

Many of the objection letters have referred to the garden centre as a tourist facility. Policy L8 of the Adopted Barnet Unitary Development Plan seeks to retain tourist facilities. However, the supporting information refers to a tourist as someone who does not normally live or work in the borough but visits for professional or domestic purposes, holidays or recreation. Such facilities include the RAF Museum and other museums within the borough but can include shopping facilities eg Brent Cross shopping centre, sports centres, arts and cultural facilities and areas of open countryside. It is considered that this garden centre would not constitute a recognised tourist facility that would attract people from outside the borough and it's loss is not considered to conflict with policy L8.

Proposed School Use

In principle Barnet's current UDP policies are generally supportive of new school development proposals. The Council as the Local Education Authority (LEA) has a statutory duty to provide primary and secondary school places for children aged from 5 to 16 years.

In order to meet the educational needs of Barnet's growing population, the Council will seek to ensure that there is an adequate provision of education facilities in the borough and encourages proposals for facilities which will help meet identified needs.

UDP Policy CS4 (Educational Facilities) confirms -

Proposals for the development of educational facilities will be permitted where they:

- are easily accessible by public transport, walking and cycling;
- would not have a demonstrably harmful impact on the character of the surrounding area and amenities of nearby residential properties and other uses; and
- are designed to be accessible by people with disabilities.

Local Planning Authorities and the Planning Inspectorate are expected to take into account the Ministerial Statement on Removing Planning Barriers (Schools) as a material consideration when determining all planning applications for school development. In determining planning applications, local authorities should:

- 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.

In line with recent government advice, the Core Strategy policy CS10 and policy DM13 of the Barnet Development Management Policies DPD Submission Draft supports the provision of new educational uses.

The application site is within a part of Daws Lane characterised by a range of different uses. There is the post office depot to the west, car park to the east, commercial and retail outlets to the north and residential dwellings to the north and further east along Daws Lane. The proposal to introduce an educational use on the site is not considered to compromise the character or appearance of the local area.

Section 4: **Transport Issues**

Parking and Access

The applicants are planning to convert the existing service yard into an area for staff parking. 17 spaces (including the provision of two disabled spaces) and 25 cycle parking spaces for pupils and staff are proposed.

The parking standards set out in the Barnet Adopted Unitary Development Plan 2006 refer to Annex 4 of The London Plan. Parking provision for a D1 use (Non-residential Institution) should be assessed on an individual basis and should take account of the nature of the institution. Having taken this into account, it is considered that the site is proposing a level of parking in accordance with its usage and number of staff. At the request of Transport for London (TfL) the School have also agreed to implement 3no. electric vehicle charging points.

There are two accesses to be used as part of the proposed development, one pedestrian entrance and a vehicle entrance to the staff car park, both from Daws Lane. The vehicle entrance would utilise the existing service vehicular access on Daws Lane. Parents will enter via a pedestrian entrance which will be controlled by a security person who will be on site throughout the day.

The servicing and delivery arrangements will remain the same as for the existing garden centre with vehicles unloading in the staff car park area. The frequency of service vehicles is not expected to be higher than the existing use.

In order to mitigate parking stress, the proposed school would adopt staggered pick up and drop off times.

- Staff would arrive between 7.00 – 8.00am, while pupils arrive between 8.15 – 9.00am.
- Nursery pupils leave at 12.00 and 15.15pm.
- Foundation pupils will leave at 15.30pm,
- Key stage 1 pupils will leave at 15.40pm,

- Key stage 2 pupils will leave at 15.50pm.

The applicants would offer wrap around care from 7.00am – 9.00am at the start of each day and between 15.30pm – 18.00pm to further stagger the start/finish times.

Daws Lane lies adjacent to Mill Hill Park and has junctions with Hammers Lane to the east and A1 / A41 Watford Way to the west. Part of Daws Lane between its junction with A1 / A41 Watford Way and No. 45 Daws Lane is within a controlled parking zone (CPZ) which comprises a mixture of business and residential bays. Waiting restrictions are in force with a mixture of double yellow lines along the frontage of the site and at corners of roads whilst the single yellow lines operate 10-11am, which correspond with the hours of the CPZ. Double yellow lines operate from the end of the CPZ to just past its junction with Birkbeck Road.

Daws Lane is served by bus route number 240 which provides a service every 10-12 minutes during the morning and afternoon peaks from Golders Green Station to Edgware Station. There are also school buses route numbers 628 and 688 providing frequent services from Southgate to Kingsbury via Mill Hill during the AM peak and school PM peak on school days only. There are additional bus routes which are within approximately 500 metres of the site.

Catchment Area

The proposed pupil intake for nursery and reception pupils has been plotted and an assessment made of the trips to the nursery/reception for the temporary school at 60 Daws Lane. This information is still relevant for the permanent application as the intention is to relocate the nursery and reception to the permanent site. Approximately two-thirds of nursery and reception pupils live within 1200 metres of the school.

Transport Assessment

A Transport Assessment (TA) has been submitted by the applicant. Two types of information have been included to explain how the scheme might impact on the existing highway; traffic flows along Daws Lane and the level of trips expected to be generated by the school. A survey of existing traffic levels was undertaken in March 2011. This found that existing traffic movements using Daws Lane were 585 vehicles (two-way) during the am peak and 465 in the pm peak.

Peak Hour	Eastbound	Westbound
0800-0900	325	260
1700-1800	139	234
1500-1600	200	265

A car trip generation forecast was prepared using data from past surveys from the Trip Rate Information Computer System (TRICS database). TRICS is the system that challenges and validates assumptions about the transport impacts of new developments. It is the national standard system of trip generation and analysis in the UK and Ireland, and is used as an integral and essential part of the Transport Assessment process, providing data for London primary schools. This was used to assess the trip generation associated with car pick-up / drop-off movements when the school is fully occupied, as well as staff trips. The applicants have stated that the trip generation for a school with 210 pupils in 2017 is expected to be approximately 23 vehicle trips arriving in the AM peak of 8:00 – 9:00 and 11 departures. 11 vehicles

are expected in the PM peak of 15:00 – 16:00 with 8 departures (Table 5.2, P.25 of the Transport Statement). See table replicated below:

Primary School (210 pupils) – (Year 2017)

Peak hour - school	Arrivals	Departures	2-Way trips
AM Peak	23	11	34
PM Peak	11	18	29

This does not include the nursery class which can be expected to generate some additional car trips, although this should be low given that 77% of the 2011 intake indicate they will be walking, as mentioned in the draft School Travel Plan (STP). It should be noted that the TRICS database has provided average trips based on all primary schools across London, whereas Barnet often has different travel patterns and behaviour, although the trip generation is broadly comparable to that of the recently approved Grove Lodge site in Regents Park Road.

However, in order to confirm the data contained in the Transport Assessment is robust, the Council has conducted traffic surveys of two other faith schools (Mathilda Marks – Kennedy Jewish Primary School and Hasmonean Primary School) in Barnet that have existing one form entry intakes making them broadly comparable to that proposed by Etz Chaim. The frequency of pick-up and drop off was recorded as well as the number of children per car. The survey also looked at the availability of on-street parking spaces in roads in the vicinity of each school.

Pick-up and drop off frequency

The information obtained for the two faith schools above indicates that during the AM and PM peak the highway can expect to experience an average of 66 cars in AM and 60 cars in the PM. Although this does not correspond with the forecast presented in the applicant's Transport Assessment it should be noted that both schools have extended catchments that cover other areas in Barnet, which means higher numbers of pupils are driven to school in comparison to the situation that can be expected at the application site.

The Council's surveys of the two other Faith schools indicate that approximately 50% of vehicles at drop-off and pick-up were car shares with double or triple occupancy trips. This is beneficial in promoting sustainable travel and is also highlighted in the draft STP. Assuming a similar level of multiple car occupancy at the proposed school it is likely that the level of trips generated will be towards the lower end of those quoted above.

Kerb Side Availability

Assessments have been made to identify the potential kerb side space and examine whether the observed trips could be accommodated at peak pick-up and drop-off times. The applicants state that the adjacent public car park could be used for drop-off and pick-up activities. However, the car park is not leased or reserved for the applicant's sole use and observations are based on an assumption that demand may also need to be met through the use of kerbside parking on local roads.

Surveys were undertaken for the relevant peak hours along Daws Lane, Birkbeck Road, Marion Road, Byron Road and Tennyson Road in May 2011 and also in early July after the council has removed all the free parking bays from the CPZ. In the AM peak both surveys showed that there are over 100 car parking spaces identified as being available across the five streets, indicating that the level of school related pick-up and drop-off activities predicted by the range of above trip estimates can take place in the vicinity of the school.

In the PM peak the first surveys found that nearly 130 car parking spaces were identified as being available across the five streets. However, in more recent surveys kerbside parking availability was approximately half this amount, possibly due to the removal of some free parking bays.

Daws Lane Car Park

There is an existing Council car park adjacent to the site. This car park has 102 spaces including 5 disabled spaces. It is presently a free car park. The AM peak of car park occupancy is after 9.00am which complements the AM school drop-off times. The PM peak use of the car park is after 3.00pm. There is another secondary car park, presently free, to the south of the site accessed from Wise Lane which would also be available for potential drop off and pick up.

Taking the above into account council surveys have also been undertaken of the occupancy of the adjacent public car park during the morning and afternoon peak times of use. The AM peak survey indicated that although the car park had good capacity at 8am, the capacity is reduced by 9am at the start of lessons. The afternoon survey between 3pm and 4pm indicated that the car park operated at capacity, being full most of the time. Taking into account the above comments about the availability of on-street car parking in the AM peak, together with the availability of spaces in the car park and the staggered pupil arrival times it can be concluded that in this time period there will be a relatively limited impact on the local highway network due to car borne school drop-off trips.

In addition to the findings of the above occupancy surveys it should also be noted that there are plans to introduce parking charges in the car park. As part of the proposed changes to this car park, bays will be provided for short term as well as long stay parking. This may dissuade some parents from using the car park to drop-off in the AM peak but as mentioned above, there is expected to be adequate on-street spaces.

Even though the abolition of the free bays in the CPZ has resulted in an increase in on-street parking in the five local roads the council surveys still identified over 60 spaces available for on-street car parking in the PM peak. It is therefore likely that a proportion of those long stay drivers who currently use the car park will instead seek to park in nearby residential roads, or other locations in Mill Hill, in order to avoid paying for parking. This means that although available on-street car parking for the PM peak school pick-up is likely to be limited, it can reasonably be expected that the short stay part of the car park will have sufficient spaces available for parents or carers to collect children from the school across the proposed staggered PM peak period.

It should also be noted that the car park is used by workers and those shopping at the garden centre, trips which will cease to occur.

Free Flow of Traffic and Bus Routes

The 240 bus serves Daws Lane and it is important that the free flow of traffic, in particular buses is maintained. Daws Lane is approximately 9.3 metres wide and a bus is able to pass along the road with traffic parked on both sides of the carriageway.

On-street parking in the vicinity of the proposed school is already under pressure, particularly in light of the recent abolition of the free bays in the adjacent CPZ, and the car park is known to fill up on weekdays. Moreover the introduction of charges in the car park can be expected to displace some additional parking to on-street locations. It can therefore be concluded that when the school reaches full capacity in 2017, it is likely that the roads in the vicinity of the school will already be experiencing a high level of parking pressure, including some associated with the pick-up and drop-off activities. This is expected to particularly be the case during the PM peak pick-up. However, it is anticipated that there will be parking available in the short stay part of the car park which can be used by parents and carers.

School Keep Clear markings should be implemented and waiting restrictions in the vicinity of the site reviewed by the Council. Contributions of these measures are proposed to be secured by condition.

Traffic Accidents

A report regarding accidents on Daws Lane over the last three years has been collated. Three accidents have been recorded involving cars, one at the junction with Hammers Lane and two within close proximity of the junction with A1 / A41 Watford Way. In 2009 there was a fatality on the A41 involving a pedestrian aged 55. TfL accident report records state that the incident occurred as the individual attempted to cross the A41 at 11pm at a location close to the junction with Daws Lane.

School Travel Plan

The proposed new primary school is located in an area where there is an identified need and catchment area. It is acknowledged that as part of the Government Free School application process the applicants were required to demonstrate there is a local need for a new school. The proposed intake for September 2011 confirms that the majority of children offered a place are coming from a local catchment area. The submitted pupil intake catchment plan confirms that 51 out of the potential 60 places are offered to children within 2000m from the application site.

All schools are required to produce a School Travel Plan (STP) and appoint a School Travel Plan co-ordinator. A STP incorporates measures to reduce trips to the school by the private car and encourage non car modes such as walking, cycling and public transport.

A draft STP has been prepared for the main school and this also covers the Nursery and Reception element of the school which has temporary permission to be located at 80 Daws Lane. The school is located approximately 300 metres from the start of the main shopping parade in Mill Hill, and in close proximity to a number of residential areas and many public transport modes. It is the school's ethos to teach the benefits of living a healthy lifestyle, including walking to school. As part of the STP, the school is also promoting a Walking Bus Service that commences at the local Synagogue or similar location to be agreed which will be operated by members

of staff who will escort pupils to school safely. The routes of the walking bus will be selected based on requests made by parents living in the area. This will reduce trips to school by private car. The school also encourages other forms of transport such as cycling and public transport.

An initial survey has indicated that the majority of the pupils (77%) currently enrolled intend to walk to the site and the remainder will travel by car or public transport. The issue of travel is discussed with parents prior to enrolment and upon enrolment, each pupil and parent will be required to sign the "Home School Agreement" committing to measures within a School Travel Plan to reduce car traffic associated with the facility. The STP intends to actively promote other means of travelling to and from the school. Matters to be addressed include references to environmental reasons for the STP, rewarding objectives and clear information on how pupils and staff arrive at the school.

The School should submit for approval a finalised STP two months prior to the occupation of the permanent school building and the STP should be reviewed annually thereafter in agreement with the Council's STP Co-ordinator. A contribution of £5,000 is required to monitor the School Travel Plan to ensure targets and objectives are met. It is proposed that these be secured by condition.

As with all schools it is recognised that there is an impact on-street during school drop-off and collection times. However, in light of the above, in conjunction with the School Travel Plan, which will need careful and thorough monitoring by the school and the council it is considered that the traffic impact for this one-form entry proposal can be accommodated on the existing highway network. The proposed development complies with policies M11, M12, M13 and M14 of the adopted Barnet Unitary Development Plan.

Section 5: **Impacts on the Amenities of Neighbouring Occupiers**

The application site abuts the Mill Hill park, car park area and Mill Hill post office and therefore does not adjoin any neighbouring residential properties. The nearest residential properties are those opposite within Daws Lane.

The issues of the use and impact on the local road network have already been considered. This section is therefore considering the impact of the building and its use on residential amenity.

In terms of noise to neighbouring residents the main impacts would be both from activities carried out within the site and from people entering/ exiting the site and dispersing into the surrounding area. However, this must be balanced against the noise and disturbance generated by the existing use and its activities which already form part of the character of the area.

It is considered that, subject to the imposition of restrictive conditions, the proposal would not result in a level of noise and disturbance to nearby properties.

The proposals are therefore not considered to detrimentally harm the amenity of existing residents in accordance with national and strategic guidance and Policies ENV12 and D5 of the adopted UDP.

Section 6: **Design and Access**

The proposals involve alterations to the existing building. It is considered that these changes can be accommodated without adversely affecting the appearance of the building or the character and appearance of the local area. The most significant alteration in terms of impact within the streetscene would be the new railings and security hut . Whilst the railings would have some impact on the streetscene in this part of Daws Lane, given they would be well set back from the footway, and designed to allow for views through and landscaping to be planted, this impact is not considered to be significant.

The alterations to the building to adapt it's use for a school have been designed to maximise the natural benefits of the site and reduce energy consumption through numerous measures including solar shading, intelligent building and lighting controls, natural ventilation.

The orientation of the teaching blocks to face north through west optimises day light from both aspects while being able to more easily control and limit solar gain. The use of natural day lighting across the buildings will result in a reduction in energy consumption within the building as well as delivering a high quality of light, making the spaces feel more uplifting.

The general form of the buildings allows for natural ventilation of the majority of the space which as well as resulting in energy savings will place less demand on plant and helps minimise the impact on the amenity of local residents.

Hot water demands are not constant and as a result a combination of conventional and solar heating is proposed. Air handling units serving the ventilation of the hall and kitchen are proposed which would enable sustainable heating and cooling of the building to occur.

Rain water harvesting (or grey water recycling) is proposed. This will consist of the collection of water from parts of the school's roof. The water is treated and used for the purposes of flushing the WC's and urinals. Low water usage cisterns coupled with 're-cycled' water will help the school save on water consumption.

The inclusion of these initiatives as part of the proposals would reduce carbon emissions associated with the operation of the school by 20%. This is in accordance with the Council's Sustainable Design and Construction SPD.

It is considered that the alterations and additions to the building would respect the local area and would be in accordance with policies GBEnv1, GBEnv2, D1 and D2 of the Adopted Barnet Unitary Development Plan. The improvements in the energy performance of the building are welcomed and it is recommended that the sustainability measures proposed are secured by planning condition.

Section 7: **Biodiversity**

PPS 9 advice for proposals involving a re-use of buildings is that, 'The re-use of previously developed land for new development makes a major contribution to

sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However, where such sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.'

The application is accompanied by a Biodiversity Assessment, Bat Survey and Arboriculture Assessment to establish whether there would be any harm to the site Biodiversity values.

The proposals involve no tree removals or works outside the red line of the application site.

A Bat survey has been submitted concluding that there is no evidence of bat roosting within the existing buildings.

It is considered that there would be no harm to biodiversity arising as a result of the development.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections received to the application have been carefully considered within the main body of the report and form material considerations in the determination of the application. The following points are made in relation to some of the key points raised:

- **Principle of the Use**

The proposed development is considered, in planning terms, compatible with the character of the area. The use is consistent with and supported by adopted UDP policies and emerging LDF policies. The existing site is not a tourist facility or retail use which is protected by policy.

The proposal is for a one form entry primary school only and any future proposals to expand would require the benefit of planning permission.

- **Garden Centre is used by local disabled and learning difficulty groups as part of their routine treatment**

The Use Classes Order classifies the site's use as A1 retail shop (and not as a health centre which is classified as D1) and any proposal to change its use must be assessed in accordance with the Development Plan unless material considerations indicate otherwise. It is not clear to the Council the precise basis of this objection, but the Council has made sure that it has acted in compliance with its statutory duty in determining this application.

The Birmingham City Council Judgement indicates that all council decisions should have regard to consultation responses from vulnerable sections of the community, mentally and physically disabled and elderly residents

Firstly, the circumstances of the Birmingham City case are very different to the circumstances of this planning application in that this case revolves around financial decisions arising from spending cuts – Rahman, R v Birmingham City Council [2011]EWHC 944 . This case involved a judicial review challenge to a decision by the Council's Cabinet to end funding (due to cuts arising from the Comprehensive Spending Review) for Legal Entitlement Advice Services (LEAS) pending new

commissioning arrangements coming into force in the summer of 2011.

The Council have carefully taken into account all planning objections and representations received in response to the 2 consultations it has carried out in respect of this application and has discharged its statutory duties fully and rigorously in this regard.

- Green Belt Issues

The proposed development has been assessed in line with national and local planning policy. The existing buildings are capable of conversion with the proposal involving a significant reduction in volume and built form. The existing Garden Centre use is a commercial operation open 7 days a week. The proposal would not constitute inappropriate development in the Green Belt and would not have a materially greater impact than the existing Garden Centre.

- Transport Matters

The matters relating to the highways and transport aspects of the proposed development have been set out in section 4 of the report.

However, the main transport impact will be the drop-off and pick-up of children by parents and carers. Staff travel will also have an impact although there is provision for 17 staff car parking spaces which is considered acceptable. An acceptable level of cycle parking, disabled driver spaces and electric vehicle charging points are also proposed, as are adequate servicing arrangements.

A key element in mitigating the impact of the proposed school will be the agreement, implementation and monitoring of an effective School Travel Plan (STP). This will encourage staggered drop-off and pick-up times, which are provided for through staggered school start and finish times, encouragement of non-car modes, car sharing, remote drop-off and pick-up, known as 'park and stride', and through promoting a walking bus. An initial survey has indicated that 77% of pupils currently enrolled intend to walk to school. Effective monitoring, enforcement and revision of the finalised STP will be essential, for which a contribution of £5,000 is required.

The Transport Assessment (TA) has estimated the potential trip generation of the school using trip rates from a database that includes schools across London. Predicted trips in 2017, when the school is fully occupied with 210 pupils are 34 two-way staff and pupil trips in the AM peak and 29 in the PM peak. In order to check the robustness of these forecasts surveys were conducted at two similar sized Faith schools in Barnet. The surveys indicated an average of 66 cars in the AM peak and 60 in the PM. Both Barnet schools have extended catchments compared to the proposed school and so have higher numbers of car trips. Therefore it can be anticipated that the trip generation will be within the range of figures quoted above. Given that car sharing is expected to occur it is likely that the trips will be towards the lower end of the range.

Given the staggered start times and the predicted level of trip making, together with the off-street staff parking and the expected impact of the STP, it can be concluded that there will be a limited impact on the local highway in the AM peak. In the PM peak it may be that the level of pick-up activity expected to occur cannot all take place on-street without some impact.

Overall, it can reasonably be assumed that there will be sufficient parking available for parent and carers to pick-up children during the staggered PM peak, and that the traffic impacts can be accommodated on the highway network. School Keep Clear markings and possible additional parking restrictions will need to be considered and / or implemented to ensure road safety and the free-flow of traffic are maintained, for which a contribution of £10,000 is required.

The development is therefore recommended for approval on highway grounds, subject to the submission of the final STP, and the conditions set out elsewhere in the report.

- Mill Hill Park

The proposal does not involve any extensions or uses within Mill Hill Park. It would not result in any conflict with the adjoining Mill Hill Park or its users.

- Consultation Issues

Prior to the application being submitted, the applicants conducted a public exhibition exercise, which was advertised to approx 800 households, local shops and businesses.

The meeting took place on Wednesday 30th March 2011 between 3.30pm and 9.00pm and approx 300 people attended.

When the planning application was submitted, over 800 consultation letters were sent to local residents in addition to the application being advertised on site and in the local press. Residents were re-consulted again on the additional information received. The application has undergone full and necessary consultation in line with practice and procedure. The proposed plans were made available at Barnet House and Mill Hill Library and accessible on the web site.

- Community Access

The applicants have confirmed their commitment to ensuring that the building would be open for all, serving the needs of all groups within the local area of Mill Hill. Of the facilities, the school hall and outdoor play space are likely to be most desirable for potential users and groups. Future use of the school by the community will be the subject of agreement in the Community Use Statement. This will provide assurance that the building is available to the community outside of school hours whilst ensuring that the activities carried out can be accommodated without affecting the amenities of the local residents.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

Objections have been raised that the consultation process carried out on this application failed to consider the Equalities Act 2010 and take due regard of the impact on those with protected characteristics. They argue that on this basis it provides sufficient basis for a judicial review of the consultation and any decision by the Council to recommend that planning permission be approved.

The Council does not accept that the objection on the Equalities Act fully or accurately sets out the applicable legal framework. Section 149 of the Act requires Public Authorities to pay due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups. Equality duties require Authorities to demonstrate that any decision it makes is done in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

In exercising the duty, it is for the decision maker to decide what weight should be given to the duty in the decision making process. Not all decisions made by public authorities will engage equality considerations in a serious way. If that is the case, then the weight to be accorded to the duty will be less. Justice Elias stated in *R(Elias) v Secretary of State for Defence* [2005] EWHC 1435 (Admin):

“The obligation is to have due regard to the matters identified in the Statute. No doubt in some cases, it will be plain even after a cursory consideration that the duty is not engaged, or at least not relevant. There is no need to enter into time consuming and potentially expensive consultation or monitoring when discrimination issues are plainly not in point.

Clearly, context is important in assessing the duty to have “due regard” in planning decisions and the appropriate weight to be given to these issues as part of the balancing exercise. 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. Therefore, there is no need for the Council to engage in time consuming and potentially expensive monitoring exercises when it has made sure to act in compliance with its public sector equality duty in accordance with its Equalities Policy and the commitments in Barnet’s Equalities scheme and its statutory duties as a local planning authority.

The proposals for a new one form entry primary school would help to meet an acute need for extra school places in the borough. The proposal would provide a high quality teaching environment for the children attending the school. The school has confirmed its intention to offer community access and this is secured by through the imposition of a planning condition to the permission. The proposals are therefore considered to enhance educational provision for all of Barnet’s diverse communities.

The proposal would introduce a new primary school in the borough and would be in line with wider corporate responsibilities and assist with local authority statutory obligations towards education provision.

5. CONCLUSION

The proposed development would comply with Adopted Unitary Development Plan policies and emerging Local Development Framework policies which seek to meet

educational needs where the use can be accommodated without harm to the character of the surrounding area or the amenities of neighbouring residents and uses, where the site is easily accessible by public transport, walking and cycling and the development is accessible by people with disabilities.

It is considered that the proposed development would not constitute inappropriate development in or adversely impact the openness of the Green Belt.

Although there is likely to be some highway impact in terms of on-street parking demand during drop-off, and particularly, collection times, with monitoring, these impacts can be kept to a minimum.

Having taken all material planning matters into consideration, it is concluded that, subject to conditions, the proposed development of this site to provide a new one form entry primary school is acceptable.

SITE LOCATION PLAN:

Wyevale Garden Centre, Daws Lane, London,

NW7 4SL

REFERENCE:

H/01702/11



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APPENDICES

Appendix 1 – Standard Objection Letter

Barnet London Borough
Planning Housing and Regeneration Service
Building 4, North London Business Park
Oakleigh Road South
London, N11 1NP

Ref: H/01702/11

Planning Application Opposition: Wyevale Garden Centre, Daws Lane,
London, NW7 4SL

Proposal: Change of use and Building works

I wish to object to this application as it contravenes the policies set out in The London Plan as referenced in the Local Development Scheme and the Adopted Barnet Unitary Development Plan (2006) and other material considerations.

A summary of my objections in detail below are:

1. Traffic congestion
2. Pedestrian safety
3. Negative changes to the frontage of the current building & Green Belt breaches
4. Destruction of tourist and economic site
5. Diminution of shopping facilities where there is no accessible alternative
6. Discriminatory policies and breaching the Equalities Act 2010
7. Breaching equal access Policies
8. Not responding to local citizens and their needs
9. The council waiving £330,000 entitlement from the assignment

Firstly, with a change in use for education, there will be an increase at peak times in the number of vehicles bringing parents, staff and deliveries. The proposed exit and entrance route to the car park is already overcrowded with vehicles. Despite the traffic plan proposed, there will undoubtedly be a significant increase in vehicles. The Garden Centre is only open after 9am and traffic is irregular during long open hours.

The traffic generated by the garden centre or other such community premises is evenly spread during hours of business with no identifiable peak times. Many visitors walk from the nearby Marshall Estate residential complex for the elderly and from the surrounding area others arrive by public transport. In the case of disability Groups, mini buses are provided by Barnet council.

There is no justifiable reason to favour the proponent's arguments regarding traffic over the experience of thousands of residents who live, work and travel

in this area. Daws Lane is the only access point to the primary artery East and West (the A41). We do not accept the applicant's figures, but even if they were accepted, there will still be an increase of over 70 vehicles within the peak time in this already congested road. The anticipated true figures, based on 5 other schools in the area, are an increase of over 120 vehicles. Barnet's Local Development Scheme, Core Strategy states,

'We have identified the school run as a key factor in contributing to peak hour congestion...which negatively impacts on the Council's ambition of keeping Barnet moving.'

Do not make matters worse by implementing a new school in one of the worst traffic hot spots. Currently, the majority of schools' traffic in this area travels away from Daws Lane in the opposite direction where 4 out of 5 adjacent schools are located. To invite schools traffic into Daws Lane is 'unreasonable' and no traffic scheme can resolve that simple fact.

Secondly, the volume of traffic combined with the additional children attending the proposed school, will make the area far more dangerous for pedestrians, the majority of whom will be young children. As the local facilities (shops, bus stop etc.) are on the opposite side of the road and the proponents' own estimates indicate that 220 children will be crossing Daws Lane at peak rush, there is considerable danger to them. Any attempt to assist pedestrians to cross the road by means of crossing patrols or lights, for example, will only cause further congestion for traffic.

Thirdly, the plans include **6ft high railings** spaced less than a foot apart extending the entire frontage of the building and forming a 'barricade' along Daws Lane. This is required for security, but will dramatically change the street perception of Daws Lane, particularly in front of a public park. There is also considerable concern over other security measures required in this residential district, such as security lights and the new solid ceiling height which will illegally exceed the rear wall and current tarpaulin ceiling by many feet **in breach of green belt regulations**.

Fourthly, The Unitary Development Plan 2006 (as amended) (UDP) for Barnet requires that you "support", "promote" and "protect" tourist facilities for the benefit of residents and visitors (paragraph 2.3.6). The Garden Centre is defined as a tourist facility under paragraph 1.12.1, 6.3.2.2, Policy GL2 and Policy L8. Barnet's Core Strategy states, **'to enable communities to become confident and cohesive by providing facilities through which residents can play a part, diversity is valued and local pride is promoted.'** It is not for a small minority to tell us whether we should take pride in a commercial business or other feature on that site. This site is the central focus for our community and planning permission should only be granted for a facility to enhance and support this site as a daily, accessible focus of community activity. A school for 220 people, realistically closed from informal association at the weekends and during the day, should not be permitted.

The Garden Centre, café and Aquatics centre are, according to the Regional Director of Wyevale and their corporate accounts, one of their most successful sites and in the last 10 years has never been outside of their top 20 of 125 sites. Indeed, the Aquatics Centre is one of the most successful in Europe. The council should not anticipate that the site will be sold in any event if the school does not buy it as their finances have dramatically improved since the recession (see registered corporate accounts). **Any grant of planning permission or change of use for this site which will not provide a similar 'tourist' or 'economic' attraction' into the area will breach the Council's own UDP & Local Development Framework.**

Fifthly, The UDP states that isolated shops will not be permitted to change use unless it is demonstrated that no significant diminution of local shopping facilities result and particularly that alternatives are available by public transport (paragraph 11.3.5.3- Policy TCR19). **Barnet's Core Strategy states, 'The dominance of small occupiers in Barnet means that there is a strong case to safeguard those sites which would appear to meet local demand.'** There is no alternative to the Garden Centre and Aquatics centre that is accessible by public transport for the elderly, disabled or children of our community. Any grant of planning permission or change of use other than to a similar satisfaction of local demand will breach the Council's own UDP and Core Strategy as the Garden Centre clearly meets the demand of the majority of locals as evidenced by the 2,000+ petition to save it.

Sixthly, The Equalities Act 2010, s.149, ss. 5, requires a public authority to exercise its' functions with due regard to the fostering of good relations between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard, in particular, to the need to promote understanding. **The site of the Garden Centre is the primary centre for interaction between the mentally & physically disabled and able-bodied members of the community.** It is the primary locale where local individuals, the elderly and young congregate and learn from each other. The café in the Garden Centre is regularly used by carers for those with mental health issues. This regular interaction in an informal environment is vital to ensure that the disabled are not marginalised in our community and are accepted as an integral part of society. Barnet's Local Development Framework, in the Statement of Community Involvement supports equality, **"We are also committed to making Barnet a place where disabled people can lead fulfilling lives and play a full part in society."** Is this simply rhetoric? Any planning permission should only be approved which enhances the current site's focus on disabled and able-bodied social interaction. Otherwise a breach of the Equalities Act 2010 is clear.

Seventh, the elderly, who are a growing majority in our community, specifically rely on the local facility that the Garden Centre provides. In Barnet's Equality Policy, Putting the Community First, it states, 'Every resident and service user has equal access to high quality services that meet their needs. We recognise that there are some people who may need support in receiving this entitlement.' Additionally, the Core Strategy emphasises the importance of 'integrated community facilities' **It is Barnet Council's**

responsibility not to grant planning permission or assign a lease which does not preserve the residents' entitlement to a community focal point in Daws Lane, for the elderly, the young and the disabled.

Eighth, Local residents must be at the centre of planning decision-making. This can be seen in the March 2011, Budget and Growth Review, statements by the Rt Honourable Greg Clarke, The Planning for Schools Development Consultation Paper and the written Ministerial statement to Parliament and Planning officers on 26 July 2010. These separate Government directives can be summed up simply from the Planning for Schools Consultation Paper directing that councils **should, "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."** It continues, '*This means devolving decision-making to local councils and going further by devolving power and opportunity down to the community groups, neighbourhoods and individual citizens they serve.*'

This emphasis on local control is reflected in Barnet's Core Strategy, 'This new relationship is about simplifying public service systems and processes, **making them more open to citizen influence... One of the key principles guiding the Future Shape Programme is to develop a new relationship with citizens.**' The majority of citizens must have an influence.

A school for 220 people cannot match the over 2,000 people who wish to be permitted to keep a meeting and focal point for the entire community in Daws Lane. Whatever rhetoric or assurances are made by the proponents of the school, if the overwhelming majority consider there are clear planning reasons not to grant planning permission, then the councillors have a clear responsibility to accept their considered arguments (derived after reviewing all travel and other plans). **Be it a Garden Centre or other amenity in the future, Daws Lane is the focal point for this community on a daily basis and must be protected by the Council when it considers planning permission applications. Planning permission should only be granted for a facility that has wide-scale daily community focus and use. The majority of residents clearly state a school will not provide this so the council must oppose (no matter how reluctantly) planning permission on this site**

Finally, as a resident taxpayer and Council services user, how can it be justified to reject £330,000 that the Council is entitled to receive for the assignment of the lease? This money could be used to significantly benefit the entire community.

I am a citizen that the council serves. I am part of a majority that opposes this location for the school. I state that Daws Lane is not a suitable location for a school and I urge the Council to oppose planning permission on these and other technical grounds raised by the 'saveourgardencentre' action group or Action Group Mill Hill in their opposition letter.

Yours sincerely,

Appendix 2 (Data Supplied by Children Services)

Table 1 - Current permanent capacity – Reception places September 2011

School	Permanent Reception places as at Sept 2011
Broadfields	90
Courtland	30
Deansbrook Infant	90
Dollis Infant	90
Edgware Infant	90
Edgware Jewish Primary School	30
Fairway	30
Frith Manor	90
Mathilda Marks-Kennedy	28
Rosh Pinah	60
St Andrew's CofE	30
St John's CofE	30
St Paul's CofE	30
St Vincent's RC	45
Woodridge	30
Total	793

Table 2 - Projected shortfall in Reception classes for September 2012 and beyond

Planning Area	Sep-12	Sep-13	Sep-14	Sep-15	Sep-16
1- Colindale, West Hendon, Burnt Oak & Hendon	3.9	4.7	5.7	6.9	8.0
2 - Hale, Mill Hill, Edgware & Totteridge	2.2	2.2	2.6	3.1	3.5
3 - Childs Hill, Garden Suburb & Golders Green	1.5	1.8	2.1	2.4	2.8
4 - Coppetts, West Finchley, Woodhouse, East Finchley & Finchley Church End	3.0	2.5	2.6	2.7	2.7
5 - Underhill & High Barnet	0.1	-0.1	0.0	0.1	0.2
6 - East Barnet, Brunswick Park & Oakleigh	2.2	2.2	2.4	2.5	2.5
Total	12.9	13.3	15.4	17.6	19.6

Table 3 - Birth data for Hale, Mill Hill, Edgware and Totteridge pupil planning area

Year born	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Enter Reception	Sep-07	Sep-08	Sep-09	Sep-10	Sep-11	Sep-12	Sep-13
No of children born	863	865	918	924	1010	1059	1029

Table 4 - Preferences expressed for Reception 2010

School	Pref 1	Pref 2	Pref 3	Other Pref	Total
Akiva School	97	26	14	1	138
Beis Yaakov	65	6	5	0	76
Hasmonean Primary	40	9	10	0	59
Independent Jewish Day	28	14	6	2	50
Mathilda Marks Kennedy	42	35	4	0	81
Menorah Foundation	36	10	11	1	58
Menorah Primary	61	8	1	1	71
Pardes House	22	2	3	0	27
Rosh Pinah	89	16	6	0	111
ALL	480				

Table 5 - Places allocated for Reception 2010

School	Available places (admission number)	Pref 1	Pref 2	Pref 3	Other Pref	Total
Akiva School	60	60	0	0	0	60
Beis Yaakov	58	58	0	0	0	58
Hasmonean Primary	30	30	0	0	0	30
Independent Jewish Day	28	27	1	0	0	28
Mathilda Marks Kennedy	28	28	0	0	0	28
Menorah Foundation	30	30	0	0	0	30
Menorah Primary	57	56	0	0	0	56
Pardes House	30	20	1	1	0	22
Rosh Pinah	60	59	1	0	0	60
ALL	381	368				

Reception places for September 2011 are in the process of being fully allocated. As of the beginning of April the preferences expressed were as below.

Table 6 - Preferences expressed for Reception 2011

School	Permanent available places (admission number)	Pref 1	Pref 2	Pref 3	Other Pref	Total
Akiva School	60	70	27	17	10	124
Beis Yaakov	58	66	0	0	0	66
Hasmonean Primary	30	34	13	6	11	64
Independent Jewish Day	28	31	17	4	4	56
Mathilda Marks Kennedy	28	35	17	11	11	74
Menorah Foundation	30	33	3	10	6	52
Menorah Primary	57	55	4	2	8	69
Pardes House	30	35	2	0	1	38
Rosh Pinah	60*	77	32	10	7	126
Edgware Jewish Primary School	30	33	7	5	7	52
ALL	411	469				

Agenda Item:7

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Meeting	Planning and Environment Committee
Date	20 July 2011
Subject	Changes to sub-Committee Membership
Report of	Head of Governance
Summary	This report seeks the Committees approval for a change in membership on the East and West Area Planning sub-Committees. Chipping Barnet Area Environment sub-Committee and the Hendon Area Environment sub-Committee

Officer Contributors	Maria Lugangira – Governance Service
Status (public or exempt)	Public
Wards affected	East Barnet, Finchley Church End, Hendon, High Barnet, Mill Hill, Totteridge and Underhill
Enclosures	None
For decision by	Planning and Environment Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Maria Lugangira, Governance Service – Tel: 020 8359 2761.

1. RECOMMENDATIONS

1.1 That the Committee approve 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 to replace Councillor Richard Cornelius as a Member of the sub-Committee.**

(ii) West Area Planning sub-Committee

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

(iii) Chipping Barnet Area Environment sub-Committee

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

(iv) Hendon Area Environment sub-Committee

- **Councillor Brian Schama to replace Councillor Maureen Braun as Chairman of the sub-Committee.**
- **Councillor Maureen Braun to remain a Member of the sub-Committee.**

2. RELEVANT PREVIOUS DECISIONS

2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 None in the context of this report.

4. RISK MANAGEMENT ISSUES

4.1 None in the context of this report.

5. EQUALITIES AND DIVERSITY ISSUES

5.1 To ensure continuity of the democratic decision making process and representation by the Ward Member on the sub-Committee .

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 None in the context of this report.

7. LEGAL ISSUES

7.1 None in the context of this report.

8. CONSTITUTIONAL POWERS

8.1 Constitution – Part 2 Article 8 – Regulatory and other Committees, paragraph 8.06 Appointments of Members to Committees, Sub-Committees and Panels.

9. LIST OF BACKGROUND PAPERS

9.1 None.