

MEETING

PLANNING AND ENVIRONMENT COMMITTEE

DATE AND TIME

WEDNESDAY 9TH MAY, 2012

AT 7.30 PM

or at the conclusion of Special Committee (Constitution Review) whichever is later

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice (Chairman),
Vice Chairman: Councillor Maureen Braun (Vice-Chairman)

Councillors

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

Substitute Ward Members

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

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	
2.	ABSENCE OF MEMBERS	
3.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTRUDES	
4.	PUBLIC QUESTION TIME (IF ANY)	
5.	MEMBERS' ITEMS (IF ANY)	
6.	APPLICATIONS FOR PLANNING PERMISSION AND CONSENT UNDER THE ADVERTISEMENTS REGULATIONS	
	Mill Hill Ward	
a)	ETZ CHAIM PRIMARY SCHOOL, 80 DAWS LANE, NW74SL	1 - 38
7.	ANY ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

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LOCATION: ETZ Chaim Primary School, 80 Daws Lane, NW7 **AGENDA ITEM 6a**

REFERENCE: H/00434/12 **Received:** 31 January 2012
Accepted: 10 February 2012

WARD(S): Mill Hill **Expiry:** 06 April 2012
Final Revisions:

APPLICANT: C/O Etz Chaim Primary School

PROPOSAL: Temporary change of use of ground floor of building to Class D1 (Education) including new temporary wc units to rear.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: General Arrangement as Existing Drawing number 001 Revision P2, General Site Arrangement as Proposed Drawing number 002 Revision P3 and General Site Arrangement as Proposed Drawing Number 003 Revision P2

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

2. The use hereby permitted shall be for a limited period only, expiring on 31st July 2013, when the use shall be discontinued and the temporary toilet buildings removed from the site.

Reason:

To enable the Local Planning Authority to monitor the impact of the use in order to protect the amenities of the area.

3. The premises, as shown on the approved plans, shall be used for a primary school nursery, reception and Year 1 Classes only 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. Before the development hereby permitted is occupied the parking spaces shown on Plan Drawing NO. 003 Revision P2 showing the General Site Arrangement As Proposed shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

5. Two months prior to the first occupation by year 1 pupils an updated version of the School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority which reflects the additional pupils and staff. The document shall set out the school's transport policy to incorporate measures to reduce trips to school by private car and encourage non car modes such as walking, cycling and public transport. Details of the start and finish times for pupils shall also be incorporated in order to minimise conflict on the local highways network. The scheme as submitted shall be approved in writing by the local planning authority and the use shall be carried out in accordance with the School Travel Plan as approved.

The School Travel Plan should include the appointment of a School Travel Plan Champion, measurable targets and a clear action plan for implementing any measures. 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 M3 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

6. The total number of children attending the nursery, reception and Year 1 classes operated at the premises, hereby approved, shall not at any time exceed 90 in total.

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

7. The use shall only be operated between the hours of 8.00am and 8.00pm on weekdays, and at no time on Saturdays, Sundays, bank or public holidays.

Reason:

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

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GCS1, ENV12, ENV13, D1, D2, D3, D4, D5, D9, D10, D11, O1, O2, O3, O6, O8, M3, M11, M12, M13, M14, GCS1, CS1, CS4, CS5 and CS6

Core Strategy (Submission version) 2011: CS1, CS5, CS7, CS9, CS10, CS12

Development Management Policies (Submission version)2011: DM01, DM02, DM03, DM04, DM13, DM15, DM16, 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 provide the continuation of valuable education accommodation in the borough on a temporary basis, having an acceptable impact to the character and appearance of the site, wider locality and its greenbelt location. The proposal would have no appreciable impact to the amenities of neighbouring occupiers and would not be detrimental to local roads and the highway networks.

The proposal is therefore considered to be in accordance with relevant national planning policy guidance, the London Plan and the Adopted UDP.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policy

National Planning Policy Framework 2012

Educational uses have been highlighted by the Secretary of State for Communities and Local Government as a priority. National policy states that "Local planning authorities should: give weight to the need to create, expand or alter schools; and

work with school promoters to identify and resolve key planning issues before applications are submitted" (NPPF: paragraphs 72)

The Mayor's London Plan: July 2011

Policies:- 3.1 (ensuring equal life chances for all), 3.16 (protection and enhancement of social infrastructure), 3.18 (educational facilities), 5.1 (climate change mitigation), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.4 (retrofitting), 5.7 (renewable energy), 5.10 (urban greening), 5.13 (sustainable drainage), 5.17 (waste capacity), 6.3 (assessing transport capacity), 6.9 (cycling), 6.10 (walking), 6.11 (smooth traffic flow and tackling congestion), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.2 (inclusive environment), 7.4 (local character), 7.14 (air quality), 7.16 (green belt) and 7.19 (biodiversity and access to nature) and 7.21 (trees and woodlands).

The London Plan is generally supportive of proposals for new schools and the text supporting policy 3.18 states (page 108);

" 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, national education policy favours greater diversity in the nature of supply through Academies Act 2012 and the setting up of the Free Schools, alongside greater devolution of responsibilities from local authorities to schools. Local authorities' strategic role in the new system will be to promote a good supply of strong schools and to encourage the development of Academies and Free Schools. Local Authorities will still be required to fulfil their statutory duty to secure sufficient places within their areas."

Relevant Unitary Development Plan Policies:

GS (sustainable development), GBEnv1 (character), GBEnv2 (design), GBEnv3 (safe environment), GBEnv4 (special area), GRoadNet (road network), GParking (parking), GCS1 (community facilities), ENV12 (noise generating development), ENV13 (minimising noise disturbance), D1 (design), D2 (character), D3 (spaces), D4 (overdevelopment), D5 (outlook), D9 (designing out crime), D10 (improving community safety), D11 (landscaping), O1 (green belt), O2 (green belt - new buildings and uses), O3 (extensions to buildings), O6 (reuse of buildings), M3 (travel plans), M11 (safety of road users), M12 (safety), M13 (safe access), M14 (parking standards), CS1 (Community Facilities), CS4 (educational facilities), CS5 (shared use), CS6 (new school sites).

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

- Planning for Schools Development; Greater London Authority; October 2010
- 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 2010 - 2020
- London Borough of Barnet Corporate Plan 2011- 2013
- Cabinet report "Investment strategy to meet demand for primary school places" dated 6 September 2010
- Cabinet Report " Proposed phasing of primary school expansions and investment strategy to meet demand for secondary school places" dated 3 November 2011

Core Strategy (Submission version) 2011

Barnet's emerging Local Plan is 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 unitary Development plan (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.

Barnet's Local Plan is at an advanced stage following submission in August/September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Pre Submission amendments extract:- 15.7.4

Edgware Jewish Primary School entered the maintained sector in January 2011, increasing the number of places available to Barnet's Jewish community. Jewish provision will be further increased as part of the free schools programme, with Jewish primary school Etz Chaim on track to open in September 2011 as one of the first wave of free schools in the country.

Relevant Core Strategy Policies:

CS1, CS5, CS7, CS9, CS10, CS12.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its Local Plan Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

Policies DM01, DM02, DM03, DM04, DM13, DM15, DM16, DM17

Relevant Planning History:

W05631 – Additional use of first floor for the operation of a Wilson market one day per week – Refused - 7/12/77

W05631A – Change of use of part of premises to municipal purposes – Approved 8/5/85

W05631C – Change of use of part of ground floor from training centre to parking office and shop – Approved – 21/11/1994

H/01226/11 - Temporary change of use of part of ground floor of building to Class D1 (Education). Including new temporary WC's to rear. Approved 11 May 2011. A copy of the Officer report and decision notice are attached as an appendix.

Wyevale Garden Centre, Daws Lane, NW7.

H/01702/11 - 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. Planning permission granted but deemed unlawful following a legal challenge.

H/04210/11 - 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. Approved following referral to the Mayor of London and the Secretary of State and completion of a Section 106 legal agreement. Decision issued on 30/3/12.

Consultations and Views Expressed:

Neighbours Consulted: 1025

Replies: 96 responses were made to the proposal 38 against and 58 in favour

Neighbours Wishing To Speak 12 (support)
2 (objecting)

The objections raised may be summarised as follows:

- Increased traffic congestion in already congested road
- The proposed entrance and exit route to the car park is already overcrowded with vehicles
- The Green Travel Plan is not being adhered to.
- The area cannot cope at peak times with traffic
- The additional volume of traffic will make the area more dangerous
- The available parking requires parents and children to cross Daws Lane. Daws Lane is considered to be dangerous to cross.
- During the time this temporary use is required there will be trucks associated with the Bedford House site increasing traffic congestion
- At what point are WCs plumbed into the main sewers temporary?
- Adverse impact on air quality from increased traffic
- Poor air quality will have an adverse impact on children's health. No assessment of this site.
- Sea Cadets have been given notice. What proposals are there for the first floor?
- There is a purpose built vacant school on Mays Lane which could be an alternative site
- An equalities assessment should have been undertaken in terms of the best way to make access to information easy for the elderly and disabled local residents
- The stench of WCs for the Sea Cadets will affect ground floor use
- Less than half the applications for this academic year are within NW7 and the number of children who are local is 3, proximity has no bearing.
- Access
- Daws Lane is dangerous to cross
- Lack of proper and reasonable consultation
- Poor vehicular access and egress to and from site
- Objection to loss of garden centre
- The garden centre provided for shopping and was a social benefit
- The impact on local park and environs is unsightly
- Wrong place for a school, unsuitable location

- The application site at 80 Daws Lane will mean a foothold in order to develop the garden centre into a much larger school.
- Existing car park is already overcrowded
- In the summer time when children are playing outside the noise level will be uncomfortably horrendous, particularly for the elderly
- The former civil defence building was built with the proviso that it would be raised to the ground- the building should be demolished
- Negative impact on aesthetics and access to park
- Deprives local community of garden centre
- Overdevelopment of the site
- Contrary to Green belt policy, empty buildings are in huge supply and an alternative should be used
- Need Safe Transport in this area
- Right of privacy lost given use of security cameras photographed by CST security and the school security guard
- The building should contain equipment suitable for sport and recreational use associated with the park
- Objection to the extension of the building based on incomplete documents, inaccurate documents and the existence of a covenant on the building.
- If the school goes ahead at the Garden Centre there will be a high fence blocking views
- There should be a community use for everyone
- Single faith schools do not promote integration
- Security measures detrimental to character
- Objection to encroachment of school on the park land
- Objection to any alteration to the usage of any part of the building
- The proposal does not benefit the whole community
- Problems with consultation on the application
- The application cannot be approved until the scheme for the main school is given approval
- Most of the pupils live outside of the catchment area as defined by the school
- In terms of localism views of local people should take precedence.

Support summarised as follows:

- School meets demand for educational facilities in the area
- Good community use/asset
- Current school causes no disruption to the community
- Strong demographic need
- The use creates employment and demand for goods and services in the local community
- Excellent resource for Mill Hill
- The school has been operating for 6 months without road incident
- Traffic flows freely now the Garden Centre has closed
- The site is ideally located on this short term basis

- There is a desperate need for primary school places

Internal /Other Consultations:

- Environmental Health - No comments for this temporary change of use
- Traffic & Development - No objection subject to conditions. Comments on the proposal are included below within the main report.

Mill Hill Preservation Society -

- The enlarged toilet block is a further intrusion into the Green Belt.
- The temporary permission was made for the previous permission. There is concern that the temporary permission could be repeated long term and a much larger school established.
- The purpose of the original building was for uses ancillary to the park and for recreation. The use as a school is in contravention of this.
- The application states that car parking is available on site for staff however this not is defined nor number of vehicles stated.

Date of Site Notice: 23 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the south side of Daws Lane. Daws Lane is a classified road which links Hammers Lane to the east and Watford Way to the west. The building is two storey with a flat roof. There is parking on site for 4 cars, 2 of these are for the disabled.

Part of the ground floor of the premises is currently used for educational purposes on a temporary basis expiring on 31st July 2012 when the use shall be discontinued and the temporary toilet removed. The toilets measure 2.8m in height, 11m in length and 3.2m in depth. The first floor of the building is in use by the Sea Cadets and their occupation will not be affected by the proposals.

The site is enveloped by Mill Hill Park (including children's play area, bowling greens, tennis courts and cricket field) to the south. The site in question is within identified Green Belt land and is adjacent to an area of public open space. The Daws Lane car park lies to the west. Directly opposite the site are residential properties within Daws Lane.

Proposal:

A previous temporary consent exists for the occupation of the eastern end of the building which expires in July 2012. The current proposal is for the extension of the temporary time period to 31st July 2013 and also the expansion of the use into the

remainder of the ground floor for educational uses. This part of the building is currently unoccupied. The resulting gross internal floorspace on the ground floor would be 287sq m.

Currently the nursery and reception class would hold a maximum of 60 children in total (currently 26 - nursery and 28 Reception). At any one time there would be approx 6 adults on site. The proposed arrangement would result in an additional 30 children (Year 1) and between 5 and 10 adults comprising 2 teachers, 2 assistants, 1 head, 1 part time administrator, 1 full time security guard and 1 part time peripatetic visiting teacher.

The existing WC block will be retained.

The existing authorised educational use is for the one reception class and one nursery class which uses part of the ground floor (approximately) 250sq m. This temporary school use opened September 2011. The Etz Chaim School (Mill Hill Jewish free School) has occupied the site on a temporary basis in advance of the main school site being developed at the former Garden Centre (planning reference H/04210/11). That application was for a "change of use from Garden Centre to Education (D1). That proposal involved 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". This application was approved at the Planning and Environment Committee Tuesday 31 January 2012 (subject to referral to the Mayor of London and the Secretary of State and to a Section 106 legal agreement). It is intended that the school will be available for use by the wider community, principally outside school hours.

The current application being considered would allow the school to continue on this temporary site at 80 Daws Lane for a further year until permanent premises are available.

Planning Considerations:

The principle of the need for the new Free School in the locality was established when the temporary permission was granted in relation to this site in May 2011 (planning ref. H/01226/11) and the full permission for the main school site at the Former Wyevale Garden Centre, Daws Lane (planning ref.H04210/11).

The main issues in this case are considered to be -

- Green Belt
- The impact on the amenities of the occupiers of neighbouring properties arising from intensification of the existing school use

- Transport issues

Green Belt

The building falls within identified Green Belt land. National Government advice on land within the Green Belt was provided through Planning Policy Guidance Note 2 (PPG2) and is now contained within the NPPF. Within that it states that there are five reasons for including land in the Green Belt. These are:

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

The previous uses in the building (prior to the school opening) are not typically associated with appropriate Green Belt functions. The proposed use of the ground floor would not result in any greater intensification causing harm to the green belt than existing or previous uses. The educational use would be for a temporary period of time until the main school site is developed for the permanent school.

The proposed toilet accommodation would be for a temporary period only and would be located to the rear of the site, without harming the openness of the area. The location of the block is such that it is largely screened by existing boundary treatment and is noticeable from outside the site. Views across the park and in and around the site would remain undisturbed. Given the size, scale, appearance and temporary nature of the toilet block, it is considered not to be a disproportionate extension to the building nor would it have any appreciable impact on the character and appearance of the green belt land or be detrimental to its openness.

The impact on the amenities of the occupiers of neighbouring properties arising from intensification of the existing school use

The principle of the school on this site was established when the temporary permission was granted in May 2011 (planning ref. H/01226/11).

With regards the intensification of use arising from the increase in the numbers of pupils and staff, the school currently has 26 places for the nursery class and 28 places for the reception class. The proposal would facilitate a maximum of an additional 30 children to start reception in September 2012. It is anticipated that there will be between 5 and 10 adults, comprised of 3 teachers, 3 assistants, 1 head, 1 part time administrator, 1 full time security guard and 1 part time peripatetic visiting.

It is considered that the scale of development with respect to noise and disturbance would only be marginally greater than that experienced currently. The application site

is enveloped by Mill Hill Park to the south and east. Daws Lane car park and the former garden centre lies to the west of the site. There are no neighbouring residential occupiers directly abutting the site which would be affected. The nearest residential occupiers are within properties opposite the site in Daws Lane some 30m from the front elevation of the application property. Noise outbreak would be kept to a minimum and largely be screened by the existing building when children are in classes. The existing courtyard to the rear will continue to be used as a playground on a temporary basis. This play area is well set back from the road and behind the existing building and is adjacent to the Mill Hill Park. Officers consider that the proposal would not result in any appreciable increase in noise and disturbance that would harm the amenities of residential occupiers. Conditions 6 and 7 attached to the permission restricts the hours of use and maximum numbers of children attending the site.

Highway Issues

The proposal is for an additional class of up to 30 pupils. The school has a pupil intake of 26 places for the nursery class and 28 places for the reception class. In addition there are up to 10 full time equivalent staff. On-site parking for four cars including 2 disabled spaces is proposed at the front of the building and has been agreed as part of the previous application.

The parking standards set out in the London Borough of 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 in line with the London Plan 2011. 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.

Daws Lane lies adjacent to Mill Hill Park and has junctions to Hammers Lane to the east and A1 / A41 Watford Way to the west. Part of Daws Lane between the junction with A1 / A41 Watford Way and no. 45 Daws Lane is a controlled parking zone (CPZ) which comprises a mixture of business and residential bays. There are no waiting restrictions along the frontage of this site. 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 and Edgware Station.

The site has a shared vehicular and pedestrian access and a separate pedestrian route that connects to Daws Lane car park. At present only disabled users are allowed to park on the site and access for all visitors is controlled by security personnel throughout the day.

School Travel Plan

Schools with new developments or extensions or redevelopments of existing sites are required to produce a School Travel Plan (STP) which should incorporate measures to reduce car trips to the school by the private car and encourage non car modes such as walking, cycling and public transport. An STP has already been approved for this school as part of the previous approval and is currently being implemented. The Council's Travel Plan Officer liaises with the school and monitors the progress of targets and measures contained in the Plan. The STP is due to be updated in July 2012.

Pedestrian Routes and Crossing Movements

Pupils arrive at the school from several directions. For example, some park or walk along Daws Lane on the same side as Mill Hill Park, others cross Daws Lane to the school after parking in streets opposite the school and others park in the Daws Lane car park adjacent to the school.

Parents assist the safe movement of the children by escorting them to and from the school gate. This practice is expected to continue for the additional classroom.

It is not considered that the volume of movement expected to cross Daws Lane to the temporary school site justifies a new crossing. However, it is intended that 'School Keep Clear' markings will be implemented in the location of the school entrance to maintain visibility and promote safe crossing.

Transport Statement

The applicants have submitted a Transport Statement (TS) which considers the additional impact of traffic associated with the proposed extra 30 pupils on the public highway. It confirms that the catchment area for the additional pupils will remain the same as for the existing intake. This will also apply to the proportion of trips expected by car.

The school conducted a parental questionnaire in November 2011. Taking into consideration those results, it can be reasonably expected that approximately 13 cars will be generated by the additional intake. It is estimated that this class will have a sibling representation of up to 9 pupils. This will have a positive effect in limiting the numbers of new trips. The times for the pick-up and drop-off will be the same as for the existing school. It is envisaged that the streets in the vicinity of the site and adjacent Daws Lane car park will have the capacity to cater for the level of expected trips associated with the additional class.

It is recognised that the addition of one extra class is an intensification of use and there will be an impact on-street during school drop off and pick-up times. However, in conjunction with the School Travel Plan and the high incidence of sibling numbers for this class which is likely to limit the number of extra trips, it is considered that the traffic impact can be accommodated on the existing highway network.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- Highway related issues – addressed in the main report
- The impact of construction traffic from other sites can be managed, where this is considered to be necessary
- The catchment area details have been updated to address the current intake and the officers' comments have been made on that basis. The addresses of pupils who will join the school in September is not yet known, although the school have indicated that there are likely to be approximately 9 siblings
- The WCs will need to be removed at the expiration of the temporary permission
- The current proposal does not involve any alteration to or use of the first floor of 80 Daws Lane
- The need for the school has already been addressed in the previous application for the temporary use of 80 Daws Lane and the permanent site at the former Wyevale garden centre site
- The site meets air quality standards in accordance with the Council's guidelines concerning protection of residents from poor air quality. Officers consider that an assessment is not therefore required in connection with potential effects of air quality on children's health in relation to this proposal.
- Consultation was carried out and information made available to the public in accordance with the Council's normal standards
- Officers consider the application does not conflict with the Council's duty of equality or duty of care
- The application will benefit some members of the local community. The ground floor of the building was previously used as council offices and the proposals do not result in loss of a building previously used by the wider community
- There will be no encroachment on to the park arising from this development
- The site is well screened and the development will not have an adverse impact on the appearance of the area
- The level of noise generated from children in the playground is unlikely to be significant, particularly given that the site is close to the established children's playground in the park
- The security measures used by the school are considered to be appropriate for the location and not unduly obtrusive
- The building is of permanent construction and its reuse for a school on a temporary basis is not considered inappropriate in the Green Belt
- The toilet block is to be retained and is considered not to constitute inappropriate development in the Green Belt
- The proposal is for temporary permission expiring on the 31st July 2013 (Condition 2). A fresh application would be required to extend this period.
- The grant of planning permission does not override any other legal restriction that may exist concerning the use of the site

- It is noted that a number of the objections raised relate to proposals for the garden centre site. This has been granted planning permission.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Councils Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities. The proposal would extend the time period relating to the temporary use and extend the capability of the ground floor to accommodate pupils in year 1 and associated staff.

5. CONCLUSION

The proposal is considered to accord to aforementioned national, regional and local planning policy, and would allow for an extension of the time period for the temporary accommodation for a new Free School prior to the move to a permanent location. Officers consider the proposal relating to this educational facility would have an acceptable impact on the Green Belt, wider character of the area and the amenities currently enjoyed by neighbouring occupiers and the proposal can be accommodated on the existing highway network.

The application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: ETZ Chaim Primary School, 80 Daws Lane, NW7

REFERENCE: H/00434/12



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APPENDIX 1

Planning and Environment Committee

11 May 2011

**Planning Application H/01226/11
80 Daws Lane, London, NW7 4SL**

Addendum

Extract from the Minutes

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LOCATION: 80 Daws Lane, London, NW7 4SL

REFERENCE: H/01226/11

Received: 23 March 2011

Accepted: 23 March 2011

WARD(S): Mill Hill

Expiry: 18 May 2011

Final Revisions:

APPLICANT: C/O Etz Chaim Primary School

PROPOSAL: Temporary change of use of part of ground floor of building to Class D1 (Education) including new temporary wc units to rear.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; 281 GA(01)01 rev A; 281 GA(01)02 rev A.

Reason:

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

2. The use hereby permitted shall be for a limited period only, expiring on 31st July 2012 when the use shall be discontinued and the temporary toilet buildings removed from the site.

Reason:

To enable the Local Planning Authority to monitor the impact of the use in order to protect the amenities of the area.

3. The premises, as shown on the approved plans, shall be used for a primary school nursery and reception class only 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. Before development hereby permitted is occupied, parking spaces, 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.

5. Two months prior to first occupation of the educational use a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The documents 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 GNon Car of the London Borough of Barnet Adopted Unitary Development Plan 2006.

6. The total number of children attending the nursery and reception classes operated at the premises, hereby approved, shall not at any time exceed 60 in total.

Reason:

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

7 The use shall only be operated between the hours of 8.00am and 8.00pm on weekdays, and at no time on Weekends, Bank or Public Holidays.

Reason:

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

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GCS1, ENV12, D1, D2, D3, D4, D5, D9, D10, D11, O1, O2, O3, O7, O8, M11, M12, M13, M14, GCS1, CS1, CS4, CS5, CS6, GEMP4.

Core Strategy (Publication Stage) 2010:CS1, CS8, CS10, CS11, CS12.

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 on a temporary basis, having an acceptable impact to the character and appearance of the site, wider locality and its greenbelt location. The proposal would have no appreciable impact to the amenities of neighbouring occupiers and would not be detrimental to local roads and the highway networks.

The proposal is therefore considered to be in accordance with relevant national planning policy guidance, the London Plan and the Adopted UDP.

2. The information supporting this application are:- Admissions Process Leaflet; Highway Statement.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

- Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
- Planning Policy Guidance Note 2 (PPG2): Greenbelts
- Planning Policy Statement 4: (PPS 4) Planning for Sustainable Economic Growth
- 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

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

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)

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GRoadNet, GParking, GCS1, ENV12, D1, D2, D3, D4, D5, D9, D10, D11, O1, O2, O3, O7, O8, M11, M12, M13, M14, GCS1, CS1, CS4, CS5, CS6, GEMP4.

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.

Of relevance section 15.6 of the Core Strategy states:

(15.6.5) 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.

(15.6.6) 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:

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

Relevant Planning History:

W05631 – Additional use of first floor for the operation of a Wilson market one day per week – Refused - 7/12/77

W05631A – Change of use of part of premises to municipal purposes – Approved 8/5/85

W05631C – Change of use of part of ground floor from training centre to parking office and shop – Approved – 21/11/1994

Wyevale Garden Centre, Daws Lane, NW7.

H/01702/11 - 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. Submitted 26/4/2011 - still under consideration.

Consultations and Views Expressed:

Neighbours Consulted: 905 Replies: Approx 1600 letters of objection were received to the application. This number will be confirmed within the addendum to the report.

223 letters of support have been received to the application.

Neighbours Wishing To 18
Speak

The objections raised may be summarised as follows:

- Increase in car traffic and congestion
- Dangerous for pedestrians
- Contrary to the green belt
- Impact on the park and local users
- Poor access and egress
- Loss of garden centre
- Noise and disturbance
- Inappropriate use
- Development would prevent access for emergency services
- Already enough schools in the area
- Contravenes to London Plan policy
- Site not suitable for a school
- Another school is not needed
- Land and buildings are community use
- Buses already have problems driving through Daws Lane
- Site security
- What will the building be used for after?
- Problems with consultation for the application
- Proposal will set a precedent for the future garden centre scheme

Out of the approx 1600 objections the majority of these were issued as a standard letter raising the following concerns about the scheme -

1. 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. Daws Lane is the only access point to the primary artery East and West (the A41) for residents of this area of Mill Hill and the increase in traffic will be significant in an already congested road.

2. Secondly, the volume of traffic additional to that already present will make the area far more dangerous for pedestrians, many of whom will be young children. As the local facilities (shops, bus stop etc.) are on the opposite side of the road there is considerable danger to them. Any attempt to assist pedestrians to cross the road by means of crossing patrols or lights for example which the road lacks at present will only cause further congestion for traffic.
3. Thirdly, Mill Hill Park within which this building stands is, I understand it, within the Green Belt. The permission for a new building within the park (wc block) which although stated as temporary, we note will be constructed of brick.
4. Fourthly, the application claims that there will no changes to the fencing other than the gate. In view of the concerns about security stated by Etz Chaim we would question whether this site is really secure and would oppose any material change.
5. Finally children playing outside the building at breaks will alter the ambience in the park; if this use extends onto use of park equipment it may limit the availability of the play area to other children.

Mill Hill Preservation Society and The Residents Association object to the scheme and made the following comments to the application -

6. Building is part of Daws Farm that was donated to the people of Mill Hill for community use in 1924 via the then Hendon Borough.
 - The building was built during the war and should have been demolished after. However, green belt legislation came into effect and the buildings were therefore contained within newly designated Greenbelt land.
 - The increase in footprint is at odds with Greenbelt land.
 - Difficult to consider these issues without reference to the proposed new Etz Chaim School at the garden centre site and the effects this would have, eg loss of garden centre, traffic issues and conflicts with local park.
 - Size of outside play space will be reduced and there is no justification for the toilets.
 - The Council has the power, outside the planning process to refuse the school to open by not granting the lease which would not be subject to an appeal.
 - Urge the Council not to grant a lease to the building

Mill Hill Conservation Area Committee made the following comments to the application -

This application was for service building and toilet block of dimensions approximately 13.5m by 4.5m to be temporarily added in order to facilitate use of part of the building as a school. The Committee were concerned that this was an inappropriate use of Green Belt land and that a school here would generate extra traffic on an already very busy bus route. Given that the building was a temporary structure erected during the second war, there was an argument that if it was now redundant, it should be demolished and the land returned to the Green Belt.

The letters of support received maybe summarised as follows -

- 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

- Building is currently rarely used
- 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.

Internal /Other Consultations:

- Traffic & Development - No objection subject to conditions. Comments on the proposal are summarised below
- Environmental Health - No objection subject to conditions

Date of Site Notice: 31 March 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

Application site relates to part of the ground floor of the building known as The Former Civil Defence Building, 80 Daws Lane, Mill Hill, NW7. The building is two storey with a flat roof and is located on the south side of Daws Lane.

The site is enveloped by Mill Hill Park to the south and the Daws Lane car park to the west. Directly opposite the site are residential properties within Daws Lane. The site in question is within identified Green belt land and is adjacent to an area of public open space.

The ground floor of the building is currently vacant following the relocation of the Drug and Alcohol project and the archive store. The first floor of the building is in use by the Sea Cadets and their occupation will not be affected by the proposals.

Proposal:

Proposal is to temporarily convert the use of part of the ground floor of the building to D1 (Education). The proposal also includes new temporary toilets to the rear of the building.

The proposals introduce one reception class and one nursery class to the ground floor, which in all equates to approx 250 sqm.

The proposed temporary toilet units would measure 2.8m in height, 11m in length and 3.2m in depth.

The nursery and reception class would hold a maximum of 60 children in total. At any one time there would be approx 6 adults on site.

Background

The submitted proposal seeks planning permission to temporarily convert the ground

floor of the eastern end of the existing building to be used as a temporary nursery and reception classes accommodation.

The purpose of creating this accommodation is to form temporary facilities for the Etz Chaim School (Mill Hill Jewish Free School) to occupy in advance of a main school site being developed. This follows on from 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) to be among the first 16 free schools nationally to be granted permission to progress their application to open a free school 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 proposals would allow for this educational facility to be established in time for an opening in September 2011. An application for the permanent school use at the garden centre site to the west of the application property has been submitted and is currently being consulted upon under a separate planning application (ref H/01702/11).

Planning Considerations:

Of relevance the main issues in this case are considered to be -

- Need for a new school
- Principle of the use
- Green belt issues
- The impact on the amenities of the occupiers of neighbouring properties
- Highway implications

The relevant policy context is listed within appendix 1 of the report.

Need for School

The application submitted is for temporary educational use, in response to parental demand, to set up a new free school in the locality. The proposal allows for the first two reception and nursery classes to open in September 2011, with a permanent site being considered under a separate planning application.

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 not sufficient capacity in Barnets 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 proximity to each child's home. As well as ensuring school places within the borough, school sites should be located within areas close to demand.

There are 10 voluntary aided Jewish schools in the borough. In 2011, applications for reception classes in these schools was 469, compared with the 411 permanent places that were available. 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 Mill Hill area. The proposal allows temporary accommodation for the school to open in September 2011, whilst a permanent site is considered.

The school have currently offered 28 places for the nursery class and 28 places for the reception class. At present all of these pupils are within an approx 2000m radius from the application site.

Principle of the use

The Unitary Development Plan contains planning policies that are very supportive of educational related uses and developments such as that proposed here in Daws Lane, providing that these are balanced against the impact of the scheme on neighbouring amenities and other planning issues such as traffic and noise impact. Policies CS1 and CS4 of the UDP welcome school and religious facilities in land use terms particularly in this case where they support a growing community and child population.

In principle the Unitary Development Plan supports the proposals.

The building currently has a vacant ground floor with the Sea Cadets occupying the first floor of the building. The ground floor area has accommodated a number of previous uses, more recently the Alcohol and Drug advice project and archive stores. The alcohol and drug project offered a community advisory service to help people suffering from addictions. Whilst this is a type of community service / use, mindful of the other operations within the building e.g archive store and Sea Cadets operation, it is considered that the site does not fall into a sole D1 use. With this in mind, planning permission is required for the temporary educational use.

Whilst the previous uses, when occupied, provided some employment, the proposed use would represent a similar level of job creation. The proposal would not represent any permanent loss of employment floorspace that would be contrary to planning policy seeking to retain such uses.

Greenbelt

The building falls within identified Greenbelt land. National Government advice on land within the Green Belt is provided through Planning Policy Guidance Note 2 (PPG2). Within that it states 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 previous uses in the building are not typically associated with appropriate Green belt functions. The proposed use of part of the ground floor would not result in any greater intensification causing harm to the Green belt than existing or previous uses. The educational use would be for a temporary period of time, to allow the applicants to source a permanent building for the school.

In order for existing functions within the building to remain uninterrupted, temporary toilet accommodation is proposed to the rear of the building, ensuring that means of escape are not impeded and the educational use can operate within an enclosed area. The toilet accommodation would be for a temporary period only and would be located to the rear of the site, without harming the openness of the area. The location of the new toilet block would be such that it would largely be screened by existing boundary treatment and would not be clearly noticeable from outside the site. Views across the park and in and around the site would remain undisturbed. Given the small size and temporary nature of the toilet block, it is considered not to be a disproportionate extension to the building.

Mindful of the above, the proposals would not have any appreciable impact on the character of the green belt land or be detrimental to openness. It is therefore considered that, as a re-use of an existing building, the proposal does not amount to inappropriate development

Residential Amenity

The application site is enveloped by Mill Hill Park to the south and east. Daws Lane car park and the garden centre lie to the west of the site. There are no neighbouring residential occupiers directly abutting the site which would be affected. The nearest residential occupiers are within properties opposite the site in Daws Lane some 30m from the front elevation of the application property. Noise outbreak would be kept to a minimum and largely be screened by the existing building when children are in classes. The area to the rear of the building would be used as play space, which is well set back from the road and behind the existing building. Mindful of this, the proposal to introduce a temporary educational use would not result in any appreciable increase in noise and disturbance that would harm the amenities of residential occupiers.

Highway Issues

The proposal involves converting part of the existing Ex-Civil Defence building for educational use to serve a maximum of 60 pupils, in two 30 pupil classes and approx 6 members of staff. In highway terms peak hours would be between 8.00am and 9.00am, then 15.00pm to 16.00pm. The Sea Cadets also occupy a separate part of the building/site and this use will continue, however, it operates at differing times to the school.

The parking standards set out in the London Borough of 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.

There are two existing access points to the building and the school are proposing to utilise the access from Daws Lane for vehicular and pedestrian access. Pedestrians will use this existing access point, however, the access will be controlled by a security person who will be on site throughout the day. Vehicles will be allowed to enter the site before 8:15am then from this time, one half the gate will be closed and only pedestrians will be allowed to access the site. Vehicles would only be allowed to exit the site again after 3:30pm when pupils have left the premise. On-site parking is only provided for staff and the disabled.

There are four existing car parking spaces including a disabled space located to the front of the building.

Proposals for new schools are required to produce a School Travel Plan which should incorporate measures to reduce trips to the school by the private car and encourage non car modes such as walking cycling and public transport. A condition is attached to the permission requiring the applicants, two months prior to the occupation of the building to submit a School Travel Plan for approval. The School will then be required to update this School Travel Plan should they occupy another building or site.

The applicants have submitted a Highways Statement for the proposals along with a pupil intake plan for the proposed pupil intake in September 2011 for nursery and reception classes. This has been plotted and assessment made of the potential trips to the nursery/reception.

The analysis of the trip generation indicates that there will be approximately 10 vehicle trips in the AM peak of 8:00 – 9:00 and the PM peak of 15:00 – 16:00. Daws Lane has capacity to accommodate this number of trips and in addition, the site is located adjacent to Daws Lane car park. This area will be available for the drop off and collection of pupils.

It is recognised that there will be an impact on-street during school drop off and collection times. However, in conjunction with the School Travel Plan, it is considered that the traffic impact can be accommodated on the existing highway network.

The proposed temporary use, mindful of its size and numbers of children, is considered to be acceptable for a site in this location, would not have an appreciable impact on the local highway network and would not be detrimental to the free flow of traffic or highway safety.

There are conditions attached to the permission restricting the hours of use and maximum numbers of children attending the site.

Overall, the proposal would introduce temporary education accommodation within the borough. The proposal would be compliant with relevant planning policy and design guidance, having an acceptable impact on the character and appearance of the site and wider locality. The proposal would not have any significant affect on the visual and residential amenities currently enjoyed by neighbouring occupiers and would not be detrimental to the local highway network.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of the objections received have been carefully considered and form material considerations to the recommendations to the report.

Most of the issues raised in the standard letter have been addressed, however -

Issue 1 - This have been carefully considered and addressed within the above report

Issue 2 - This have been carefully considered and addressed within the above report

Issue 3 - The new temporary toilet units will be sited to the rear of the building will be constructed using modular panelled sides

Issue 4 - The applicants have had meetings with the Community Security Trust

(CST) who have advised them on security matters. The existing fencing and boundary treatment was considered to be adequate for this temporary use.

Issue 5 - Although the park is public open space, there are no proposals for use's within the park

It is noted that a number of the objections raised relate to proposals for the garden centre site. This is currently being considered under a separate application. Issues around agreements to lease's are not material planning considerations and are not governed under Town and Country Planning legislation.

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. The proposal would introduce a temporary educational use to the borough whilst a permanent site for the proposed new free school is being considered. The proposals would be in line with wider corporate responsibilities and assist with local authority statutory obligations towards education provision.

5. CONCLUSION

The proposal is considered to accord to aforementioned national, regional and local planning policy, and would allow for temporary accommodation for a New Free School in the borough, while a permanent site is being considered. The proposals would re-use a vacant building on a temporary basis for education provision, have an acceptable impact on the greenbelt, wider character of the area and the amenities currently enjoyed by neighbouring occupiers.

The application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 80 Daws Lane, London, NW7 4SL

REFERENCE: H/01226/11



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Unitary Development Plan (2006) Policy Context

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy GParking states that the Council will apply parking standards to regulate parking in the borough to restrain the growth of car use and minimise the inconvenience caused by indiscriminate parking.

Policy GRoadNet – Road Network

The council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy.

Policy M11 ensures that the Council should take into account the safety of road users when considering development proposals

Policy M12 states that the Council will refuse developments to reduce accidents from conflicting traffic movements

Policy M13 – Safe Access to New Development

The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments. Where improvements or changes to the road network are directly related to the development and any planning permission, the council will seek to secure a planning obligation from the developer.

Policy ENV12 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

Policy O1 – Green Belt/Metropolitan Open Land

Except in very special circumstances, the council will refuse any development in the Green Belt or Metropolitan Open Land which is not compatible with their purposes and objectives, does not maintain their openness and would harm their visual amenity.

Policy O3 – Green Belt/Metropolitan Open Land – Extensions of Buildings

The council will only permit the limited extension of buildings within the Green Belt or Metropolitan Open Land where this would not result in a disproportionate addition over and above the size of the original building, an over-intensification of use, or harm the open character of the land and its purposes or objectives.

Policy O6 – Green Belt/Metropolitan Open Land – Re-use of Buildings

The council will permit the re-use of buildings within the Green Belt or Metropolitan Open Land provided that the following criteria are met:

- i. The proposed use does not have a materially greater impact than the existing use on the openness of the Green Belt or Metropolitan Open Land, and does not conflict with the purposes of including land in it;
- ii. The buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- iii. The form, bulk and general design of the buildings are in keeping with the locality. Where necessary the council will exercise strict controls over development for re-use.

Policy GCS1 states that the council will seek to ensure that an adequate supply of land and buildings are available for community, religious, educational, health and social care facilities in order to meet the needs of residents in the borough.

Policy CS1 – Community and Religious Facilities

Development proposals for community and religious facilities will be permitted where they:

- Are easily accessible by public transport, walking and cycling;
- If in a town centre location, would not be situated within the primary retail frontage;
- Would not have a demonstrably harmful impact on the character of the surrounding area and the amenities of nearby residential properties and other uses; and
- Are designed to be accessible to people with disabilities.

Policy CS4 – Educational Facilities

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.

Policy CS6 – New School Sites

The council will identify and safeguard sites for new schools and sites at existing schools for expansion, in order to meet identified needs for additional school places.

PLANNING & ENVIRONMENT COMMITTEE MEETING

Wednesday 11th May 2011, 7.00PM

ADDENDUM TO REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

AGENDA ITEM 2 – Pages 14-28

Reference: H/02261/11

Address: 80 Daws Lane, London, NW7 4SL

A letter of support was received from Cllr Brian Coleman, stating the following -

In my capacity as London Assembly Member for Barnet, I wish to support the application put forward by Etz Chaim Primary School (H/01226/11) requesting the temporary change of use of part of ground floor of the building to Class D1 at 80 Dawes Lane NW7.

I believe that the undertaking given that the site will only operate between 8.00am and 8pm during the week, will adequately protect the amenities of occupiers of adjoining properties.

The development complies with strategic planning guidance as stated in the draft replacement London Plan and the Adopted Unitary Development Plan for Barnet. The proposed temporary change of use would deliver much needed educational accommodation in the borough, without negatively impacting the wider local area. It will have the added benefit of providing a Jewish school to the area, a concept I fully support. The granting of this application will help facilitate that provision.

Consultation Responses

By the end of the consultation period, dated 22.4.2011, the following representations were received -

Letters received in favour – approx 232

Letters received in objection - approx 1800

Amendment to condition 01

The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; 281 GA(01)01 rev A; 281 GA(01)02 rev A; 281 GA(01)03.

Reason:

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

Index to the Report, should read

H/01226/11

Pages 14-28

80 Daws Lane, London, NW7 4SL

Temporary change of use of part of ground floor of building to Class D1 (education) including new temporary wc units to rear.

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DECISIONS OF THE PLANNING AND ENVIRONMENT COMMITTEE

11 MAY 2011

COMMITTEE

*Councillor Wendy Prentice (Chairman)
*Councillor John Marshall (Vice-Chairman)

Councillors:

*Maureen Braun	*Anita Campbell	*Jack Cohen
*Alison Cornelius	Claire Farrier	*Hugh Rayner
*Andreas Tambourides	*Jim Tierney	*Agnes Slocombe(substituting for Claire Farrier)

*denotes Member present
\$denotes absent on Council business

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

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

MILL HILL WARD

- H/01226/11 80 Daws Lane, London, NW7 4SL
C/O Etz Chaim Primary School
Temporary change of use of part of ground floor of building to Class D1 (Education) including new temporary wc units to rear.
The Assistant Director of Planning and Development Management circulated an addendum to his report.
The Committee having heard oral representations from Mr Gaon Hart objecting to the application, Mr Weston speaking in support of the application and the applicant’s response resolved to;
- APPROVE the application 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; 281 GA(01)01 rev A; 281 GA(01)02 rev A; 281 GA(01)03.
 2. The use hereby permitted shall be for a limited period only, expiring on 31st July 2012 when the use shall be discontinued and the temporary toilet buildings removed from the site.
 3. The premises, as shown on the approved plans, shall be used for a primary school nursery and reception class only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without

modification).

4. Before development hereby permitted is occupied, parking spaces, 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.

5. Two months prior to first occupation of the educational use a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The documents 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.

6. The total number of children attending the nursery and reception classes operated at the premises, hereby approved, shall not at any time exceed 60 in total.

7. The use shall only be operated between the hours of 8.00am and 8.00pm on weekdays, and at no time on Weekends, Bank or Public Holidays.

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, O7, O8, M11, M12, M13, M14, GCS1, CS1, CS4, CS5, CS6, GEMP4. Core Strategy (Publication Stage) 2010:CS1, CS8, CS10, CS11, CS12.

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 on a temporary basis, having an acceptable impact to the character and appearance of the site, wider locality and its greenbelt location. The proposal would have no appreciable impact to the amenities of neighbouring occupiers and would not be detrimental to local roads and the highway networks.

The proposal is therefore considered to be in accordance with relevant national planning policy guidance, the London Plan and the Adopted UDP.

2. The information supporting this application are:- Admissions Process Leaflet; Highway Statement.