

**LOCATION:** Land at Pavilion Way, Burnt Oak, Edgware, HA8 9YA

**REFERENCE:** 15/02616/FUL **Received:** 28/04/2015  
**Accepted:** 05/05/2015

**WARD:** Burnt Oak **Expiry:** 30/06/2015

**APPLICANT:** Mr Keith Kirby of Galliford Try

**PROPOSAL:** Installation of a temporary (for a period of up to three years) school modular building (use class D1) of 230 sqm (GEA) for up to 60 pupils and associated facilities and works including the formation of new tarmac pedestrian access and bin store area; repair works to surface treatment of existing parking and hard court area; laying of artificial grass surface to part of hard court for informal play; the provision of refuse and recycling storage facilities; use of existing vehicular access and the provision of parking for 16 cars, cycles and scooters; repairs to existing fencing; erection of new fencing; and the making of various alterations to the hard and soft landscaping of the site.

### **RECOMMENDATION**

That the Assistant Director – Development Management and Building Control approve the planning application reference 15/02616/FUL under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director – Development Management and Building Control:

1. Time Limit for Implementation

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. Time Limit for Consent

This permission shall be for a limited period only expiring on the 26<sup>th</sup> June 2018. By the 26<sup>th</sup> June 2018 the use hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed from the site and the land reinstated in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing.

Reason:

To ensure that the consent granted accords with the permission sought and considered and to protect the amenities of the area.

3. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

TP(00)100 (Revision P2); TP(00)101 (Revision P2); TP(00)102 (Revision P2); L150104-101 (Revision C); HED.1154.200; HED.1154.201; HED.1154.210;

email from Scott Brownrigg – Planning sent 8<sup>th</sup> June 2015 at 16:51; and Phase I Report (version Final V5) by Ecology and Habitat Management Ltd.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies in the Barnet Local Plan and London Plan.

4. Materials

The external surfaces of the buildings, means of enclosure, hard surfaced areas and other structures which form part of this consent shall be implemented in full accordance with the details specified in the email from Scott Brownrigg – Planning sent 8<sup>th</sup> June 2015 at 16:51 before the development is occupied or brought into use.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan 2012 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5. Hours of Construction

No construction work in relation to the development hereby approved 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 in accordance with policies DM01 and DM04 of the Barnet Local Plan.

6. Construction Management Plan

Prior to the commencement of the 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 full accordance with the approved plan. The Demolition and Construction Management Plan submitted shall include, but not be limited to, the following information:

- Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- site preparation and construction stages of the development;
- details of provisions to be made for the recycling of materials.
- the provision on site of a storage and delivery area for any plant, site facilities, waste and materials.
- 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;
- the methods to be used and the measures to be undertaken to control

- the emission of dust, noise and vibration arising from construction works;
- noise mitigation measures for all plant and processors;
- details of contractors compound and car parking arrangements;
- details of interim car parking management arrangements for the duration of construction; and
- details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety a sustainable waste management in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

7. Tree Protective Fencing

Before the development hereby permitted is commenced temporary fencing shall be erected around existing trees at the site which are to be retained in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. The details shall conform with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. This fencing shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

8. Tree Works – Detailed Specification

No tree felling or pruning of trees on the site shall be carried out in relation to the development hereby approved until a detailed tree felling and pruning specification has been submitted to and approved in writing by the Local Planning Authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

9. Parking

Before the development hereby permitted is occupied or brought into use the parking spaces and parking facilities shown on approved plan numbers TP(00)102 (Revision P2) and HED.1154.200 shall be provided at the site. These parking spaces and parking facilities shall remain in place for the duration of this permission and shall not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

To ensure that the free flow of traffic and highway and pedestrian safety is not prejudiced in accordance with Barnet Local Plan Policies CS9 and DM17.

10. Cycle Parking

Facilities for the parking of cycles (not less than 12 cycles) and scooters shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing prior to the development hereby permitted being brought into use.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with policies CS9 and DM17 of the Barnet Local Plan and policy 6.13 of the London Plan.

11. School Travel Plan

Prior to the first occupation of the development hereby approved a School Travel Plan (STP) that meets the most recent Transport for London School Travel Plan criteria shall be submitted to and approved in writing by the Local Planning Authority. The submitted STP 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. The School Travel Plan shall include the appointment of a School Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The development shall be occupied and managed in accordance with the STP approved under this condition. Monitoring of the approved STP shall be completed in line with Transport for London's 'standardised approach to monitoring' with consultation completed with pupils and their families, staff, Governors and other stakeholders within 6 months of the occupation of the development and an annual 'hands up' survey with staff and pupils completed within 3 months of occupation of the development and annually thereafter. The STP shall be reviewed annually and the updated document submitted to the Local Planning Authority for their approval annually. Following the annual STP reviews the STP shall be revised to incorporate any comments made by the Local Planning Authority within 6 weeks of these being provided.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies CS9 and DM17 of the Barnet Local Plan.

12. Refuse Storage and Collection

Notwithstanding the details submitted with the application, before the development hereby permitted is brought into use or occupied details of the:

- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. satisfactory points of collection; and
- iii. details of the refuse and recycling collection arrangements

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details in perpetuity.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policy DM01 of the Barnet Local Plan.

13. Hours of Use

The development hereby permitted shall only be occupied or in use by pupils and visiting members of the public between the hours of 7.30am and 6.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday and between the hours of 9.00am and 6.00pm on a Saturday, Sunday or Bank Holiday or in accordance with other times previously specified in and agreed by the Local Planning Authority as part of the Community Use Agreement submitted under condition 14 of this consent.

Reason:

To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

14. Community Use Agreement

Prior to occupation of the school hereby permitted a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the community facilities provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-school users and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement.

Reason:

To secure well managed access and appropriate availability to the community facilities provided by the scheme in accordance with policy CS10 of the Barnet Local Plan.

15. Delivery and Servicing Plan

Before the development hereby permitted is occupied a full Delivery and Servicing Plan (DSP) providing details of the delivery and servicing arrangements for the school shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in full accordance with the DSP as approved in perpetuity.

Reason:

In the interest of highway safety in accordance with policies CS9 and DM17 of the Barnet Local Plan.

16. Removal of Permitted Development Rights

Notwithstanding the provisions of Part 7, Classes M and N to schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that order) no extensions or

alterations to the development hereby permitted shall be carried out without express planning permission first being obtained.

Reason:

To enable the local planning authority to retain control over the development in the interests of controlling the intensity of the use and safeguarding the amenities of the locality in accordance with policy DM01 of the Barnet Local Plan.

17. Noise from Site Plant

The level of noise emitted from any air conditioning or any other plant installed on the site in connection with the development 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 from the air conditioning or plant 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 in accordance with policy DM04 of the Barnet Local Plan and policy 7.15 of the London Plan.

18. Breeding Bird and Bat Protection

The site clearance works and construction works associated with the implementation of the development hereby approved shall be carried out in full accordance with the nesting and breeding bird and bat protection measures identified on pages 12 and 13 of the Phase I Report (version Final V5) by Ecology and Habitat Management Ltd submitted as part of this application.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

19. Biodiversity Enhancement

Prior to the occupation of the development hereby approved details comprising a scheme of measures to enhance and promote biodiversity at the site as proposed shall be submitted to the Local Planning Authority and approved in writing. The approved scheme of biodiversity enhancement and promotion measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

20. Details of Ramps

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, before this development is occupied full details of the ramps

to be installed to provide access to the proposed school shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policy 7.2 of the London Plan and policy DM01 of the Barnet Local Plan.

21. Landscaping

Prior to the occupation of the development hereby approved a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details submitted shall include, but not be limited to, the planting of not less than 1 new tree. All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the first occupation of any part of the building or completion of the construction of the development, whichever is sooner. Any existing tree or hedge shown to be retained or trees or hedges to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within three 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 and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

22. Total Number of Pupils

At no time shall the total number of pupils in the school hereby approved exceed 60.

Reason:

To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies in the Barnet Local Plan and London Plan.

**Informatives**

It is recommended that the following informatives be included on the decision notice in respect of this application:

1. The applicant is advised that any alteration to the public highway (if necessary) will require prior consent of the local highways authority. The costs of any associated works to the public highway, including any fees or costs associated with a legal agreement, will be borne by the applicant. The applicant may also be required to enter into a Section 184 or 278 Agreement under the Highways Act 1980 for proposed works on the public highway. An estimate for this work may be obtained from the Re Traffic and Development Team, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP.

2. Please be advised that Deansbrook Road is part of a Traffic Sensitive Route from 8.00am to 9.30am and 4.30pm to 6.30pm Monday to Friday.
3. Before commencing construction works adjacent to the public highways, the applicant must obtain any necessary Highways Licenses. These can be sought by calling 0208 359 2000.
4. All works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in legislation covering the protection of certain species and habitats, including the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the any such legislation may result in a criminal prosecution.
5. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes it is recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).
6. 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.

## **1. MATERIAL CONSIDERATIONS**

### **Key Relevant Planning Policy**

#### The London Plan

The London Plan (March 2015) is the development plan in terms of strategic planning policy. The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

#### **London's Places:**

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: The Multi Functional Network of Green and Open Spaces)



**London's People:**

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.16 (Protection and Enhancement of Social Infrastructure); 3.18 (Education Facilities); and 3.19 (Sports Facilities)

**London's Response to Climate Change:**

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4A (Electricity and Gas Supply); 5.6 (Decentralised Energy in Development Proposals); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

**London's Transport:**

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

**London's Living Places and Spaces:**

7.1 (Lifetime Neighbourhoods); 7.2 (An Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

**Barnet Local Plan**

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy. The relevant documents comprise the Core Strategy and the Development Management Policies documents (both adopted in September 2012). The Local Plan development plan policies of most relevance to the determination of this application are:

**Barnet Core Strategy (Adopted 2012):**

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS7 (Enhancing and protecting Barnet's open spaces)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

**Barnet Development Management Policies (Adopted 2012):**

DM01 (Protecting Barnet's character and amenity)  
DM02 (Development standards)  
DM03 (Accessibility and inclusive design)  
DM04 (Environmental considerations for development)  
DM06 (Barnet's Heritage and Conservation)  
DM13 (Community and education uses)  
DM15 (Green belt and open spaces)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

**Local Supplementary Planning Documents and Guidance:**

Sustainable Design and Construction Supplementary Planning Document (2013)

**Strategic Supplementary Planning Documents and Guidance:**

Accessible London: Achieving an Inclusive Environment (2004)  
Planning for Equality and Diversity in London (2007)  
All London Green Grid (2012)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)  
Sustainable Design and Construction (2014)  
Accessible London: Achieving an Inclusive Environment (2014)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This document was published in March 2012 and it is a key part of reforms by national government to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

**Relevant Planning History**

**Former LTE Sportsground, Deansbrook Road, Edgware:**

**W01591A** 'Residential development at 85 habitable rooms per acre (209 h.r.h) on 7.90 acres (3.21 hectares) and use of 3.30 acres (1.34 hectares) as sports field with changing rooms and car parking (outline); and including full details of 2, three-storey blocks of bedsits and flats, and 10, two-storey houses as show premises, together with car parking and landscaping' Granted subject to conditions (1986).

**Consultation and Views Expressed**

### Public Consultation

A total of 214 local properties and other bodies were consulted on the application by letter and email in May 2015. The application was also advertised on site and in the local press at that time. Responses to the comments received are provided in the relevant section of the committee report.

### Number of Responses from Residents

1 response objecting to the proposal was received. The objector did not request to speak at committee. 1 response was also received confirming that the respondent neither objected nor supported the proposal. This respondent requested to speak at committee. **No** responses supporting the proposal were received.

### Comments from Residents

The comments made in the objection received to the application can be summarised as follows:

- The proposal would exacerbate the existing traffic and parking problems on Pavilion Way and in the wider area.
- People may park in their car parking spaces.
- Construction related traffic and parking would impact on them unacceptably.
- The proposal is inconsiderate to the needs of locals and the area.

*Response: The comments made by the resident are responded to in the relevant sections of the report below.*

### Consultation Responses from Elected Members

#### **Mr Andrew Dismore AM:**

Has **objected** to the application as a resident and elected member and **requested to speak at planning committee.**

The objections raised by Mr Dismore can be summarised as follows:

- The land to which the application applies is part of a larger site, which also comprises a full size football pitch.
- The site and wider area was transferred to the Council as part of an agreement to develop homes on the Pavilion Way estate. This whole area was subject to a covenant which stated that the pitch and pavilion should be used for sports for local people.
- The site has been neglected but is still in substantial use. Local people cleared the land to train for and play football.
- The local community worked with sports bodies to develop an outline plan to bring the facility into full repair. The plan showed they needed a sufficiently long lease to secure the investment available, but the Council refused to grant this lease.
- A year ago the Council attempted to plan a scheme to build a free school and block of flats on the whole site, but that fell through.

- While this application refers to part of the site, it is a 'Trojan Horse' for the whole site. This application is inevitably a precursor for an application for development on the grassed football pitch too.
- The sports facilities which will be lost through the proposal are badly needed. This is the only full size pitch and all weather surface in this deprived area.
- Whilst the application refers to the need for school places, this school is in the wrong location for the expected population growth in the borough. It would make more sense for it to be provided on land in the regeneration scheme for Grahame Park, the developments in Colindale or in West Hendon.
- The proposal would be contrary to planning policies on parking, highway and pedestrian safety, the free flow of traffic and conflicting highway movements.
- At peak hours, which coincide with school hours, Deansbrook Road is heavily congested. This congestion makes it difficult to emerge from Pavilion Way onto Deansbrook Road. It also relies on other vehicles giving way to allow access to Pavilion Way for eastbound vehicles. This scheme will contribute further to congestion as extra backed up right turn school traffic into Pavilion Way will extend the existing tailbacks.
- As the school place demand is in Colindale and West Hendon it is inevitable that there will be a significant increase in vehicular traffic bringing children to school on both Deansbrook Road and other roads in the local road network, with consequent increased congestion, including on Pavilion Way itself.
- 'Drop off' traffic will lead to Pavilion Way being blocked, as the road is a narrow one with no space for stopping traffic without holding up traffic flows. This additional traffic will add to the existing congestion for current vehicles in Pavilion Way at peak times.
- The schemes highways impacts will get worse as the school expands to its full intake across the year groups.
- The proposal will create additional traffic that will increase road safety issues on the local road network.
- Pavilion Way does not have a footpath on the west side of the road and children will need to cross the road to access the school on what is a partially blind corner for traffic travelling north on Pavilion Way.
- The proposal includes insufficient parking and will increase parking pressure on local roads to the detriment of residents.
- The proposal is contrary to development plan policies as it would result in a net loss of sports and recreational facilities and open space.
- Local children regularly use the site for football and the Council's signs on the land give licence to people to use the site for recreation. The covenant on the land cannot be overlooked. The land is designated for sports use by the covenant for the benefit of local people and should remain so. The land is also used informally as open space by walkers and those exercising their dogs.
- This proposal does not make the playground facilities available to the wider community, retaining exclusive use for the school. There is therefore no corresponding replacement of sports use or open space in the scheme.
- Sport England are objecting due to the loss of playing field and built sports provision (as contrary to paragraph 74 of the NPPF) and Mr Dismore objects on the same grounds as those set out in their objection.

- The application is contrary to planning policies which resist the loss of community uses.
- The submitted ecology survey is woefully inadequate. Even so, this report does not give carte blanche to the development as it refers to breeding and nesting birds, and the potential presence of many other protected species.
- The ecology of the all weather surface area cannot be separated from that of the wider area, including the grassed area to the north and the tree cover boundary of that land on each of its boundaries.
- The report makes it clear that clearance work should not take place between the bird breeding months of March and September and if the scheme is approved it should be subject to a planning condition accordingly.
- The tree survey does not take account of the impact on the wider site, which it should do.
- The archaeological survey is only desk based. It is clear from the report that there is potential archaeology on the site given what has been found not far away, and this should be properly investigated on site by test pit excavation.

*Response: The comments made by Mr Dismore are responded to in the relevant sections of the report below.*

### Consultation Responses from Statutory Consultees and Other Bodies

#### **Sport England:**

Have responded to the consultation and **objected** to the application. Sport England has provided the following comments:

“Given the lapse in time since the site was last used as playing field (more than five years) Sport England is not be a statutory consultee to this application under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184).

At pre application stage, Sport England advised as follows:

*“...the last know use of the site was playing field and therefore, were Sport England to be consulted, it would assess any development against paragraph 74 of the National Planning Policy Framework. The local planning authority would be required to do likewise. In doing so, the application would be treated as a loss of playing field irrespective of when it was last used. This approach has been tested at appeal where PINS held that para 74 was not time limited. The that appeal (ref APP/U4610/A/12/2176169) the Planning Inspector considered what constitutes a playing field and whether there would be a requirements of replace this playing field under the provisions of Para 74. In that case, it was held that:*

*“...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...”*

*“There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing*

*fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.”*

*“There is no definition of the word ‘existing’ in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use.”*

*In light of the above, it might be worth considering first submitting an “Application for a Lawful Development Certificate for an Existing use” to establish a ‘nil use. or the site of you consider that the former use has since been abandoned. If a nil use were established through this process, Sport England would accept that position. However in the absence of that, it is likely that Sport England would conclude that the development is contrary to para 74 of the NPPF.”*

The scheme has not changed since pre application stage and the advice given by Sport England appears not to have been taken into account. Sport England must therefore reiterate that the development would result in the loss of playing field and built provision (tennis courts) which has not been justified in the context of paragraph 74 of the NPPF. It should be noted that the strength of Para 74 of the NPPF has been tested recently at appeal. In a recent appeal (ref APP/U4610/A/12/2176169) the Planning Inspector considered what constitutes a playing field and whether there would be a requirements of replace this playing field under the provisions of Para 74. In that case, it was held that:

*“...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...”*

*“There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.”*

*“There is no definition of the word ‘existing’ in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use.”*

On that basis of the above, the PINS held that, in accordance with Local Plan Policy and National Planning Policy Framework, compensatory replacement provision is necessary and should be provided as part of the scheme. It therefore falls that compensatory replacement provision should be provided as part of the current planning application in order to meet the requirements of the NPPF. It should also be noted that, preventing sports use of the site in the future, will not prevent it from being considered under the provisions of Para 74 of the NPPF, as the lawful use of the site shall remain as a playing field land until such time as permission is formally granted for some alternative use.

In light of the above, Sport England registers a formal objection as the proposed development would result in the loss of playing field land and built provision (tennis courts) contrary to para 74 of the NPPF.”

*Response: A response to the comments made by Sport England is provided in the report below.*

### **London Playing Fields Foundation:**

Have responded to the consultation and have **objected** to the application. In summary the concerns raised comprise that:

- The land is subject to a restrictive covenant that it be used for local sports provision.
- There is strong local opposition to the scheme, as the facilities have been neglected for a number of years but are still used informally by young people in the area.
- A number of local organisations have tried unsuccessfully to acquire the site, but as the council could only offer a one year license they have been unable to attract any external funding.
- This part of the site (the tennis courts) and the wider site of which it forms a part could be brought back into use as playing fields with suitable investment. Once a playing field is lost it is lost forever.
- The potential loss of these facilities will have a serious adverse impact on opportunities for sports participation in North West London.
- Barnet do not have an adopted up to date Playing Pitch Strategy so the current proposal is not based on a robust assessment of supply and demand statistics.
- An un-adopted Playing Pitch Assessment in 2009 showed that in the Hendon area there was a significant demand for junior football and that the number of pitches available did not cater for that demand. It also identified a deficit of junior and mini-pitches across the borough and in some respects this was attributed to the high incidence of junior and mini teams using senior pitches.
- Find that if the temporary accommodation goes ahead it would be contrary to the NPPF if one considers the whole of the site.
- The proposal fails to provide an objectively assessed evidence of need for open space, sport and recreation facilities and opportunities for new provision in the area and therefore any decisions taken at this stage would be premature and would be in contradiction of the London 2012 dream of inspiring a generation to play more sport.
- Barnet’s Core Strategy identifies that despite good geographical coverage of playing pitches there is demand for additional provision because of issues related to the quality of existing pitches and the lack of accessibility.
- The council singularly fails to address the sport and recreation needs of the local community.
- The proposal would be contrary to London Plan policy 3.19 and the Mayor’s Legacy Plan.
- Playing pitches are important as recreational and amenity features. They provide open space in both urban and rural landscapes. Their development for purposes other than recreation has serious repercussions, not only through the reduction of leisure facilities and the resulting increase in pressure

on those remaining, but also in the visual impact created by the loss of open space.

- Many of the potential participants of the site if it were brought back into use are young people and with one in three London children being overweight or obese the ground could make a significant contribution to the health of the local population at a time when obesity is estimated to cost the country £162 per second.

*Response: A full response to the comments made by the London Playing Fields Foundation is provided in the report below.*

**Natural England:**

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent that is granted.

**Historic England (Archaeology):**

Have responded and have not raised any objections to the application or requested that conditions are placed on any consent granted. Historic England conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

Internal Consultation Responses

**Traffic and Development Team:**

The Traffic and Development Team response is set out in greater detail in the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they have no objections to the development and find the proposal to be acceptable in respect of traffic, parking and highways related matters.

**Education and Skills Service:**

Education and Skills Service have confirmed their support for the application. They have also identified that the school is needed specifically to meet demand for school places in the local area and that children have already been registered to attend the school.

**Environmental Health Service:**

The Environmental Health Service response is set out in greater detail in the report below. In summary, they have confirmed that subject to the imposition of suitable conditions in respect of noise matters they raise no objection to the development.

**Property Services:**

Property Services have noted that the land was laid out as an all weather pitch, grassed area, changing facility and parking area in 1988 and was subsequently managed by the Council until 1995. It is understood that the Council were unable to manage the facility on a financially viable basis and it was offered under a lease to sports operators to try and maintain the use for the community. The facility was successfully leased until 2003 when, following rent arrears, the lease was surrendered back to the Council. Further attempts to secure an operator have been made, but it is understood that a proposal with a viable business plan has not been forthcoming. The changing rooms have been boarded up as a result of vandalism



and unlawful occupation and barriers were installed across the entrance to the car park on the site. The site has become overgrown and in a state of disrepair and significant quantities of fly tipping are removed several times a year. Property Services are of the view that the cost of bringing the property back to a standard that would enable effective sports use would be substantial and that this further depletes any potential for future occupation of the site. This has led the Council to investigate solutions to enable the investment to be made in the site.

### **Description of Proposed Development**

The application seeks planning permission for a temporary period of up to 3 years to carry out various works associated with the formation of a school (use class D1) for up to 60 pupils.

The key elements of the proposed works include the:

- Installation of modular buildings providing 230 square metres of floorspace for the proposed school, including two classrooms.
- Formation of new tarmac pedestrian access and surface for a bin store area.
- Carrying out of repair works to the surface treatment of the existing parking and hard court areas at the site, primarily so that they can be used as parking and playground facilities.
- Laying of artificial grass surface to part of hard court area to provide an informal play space.
- Provision of refuse and recycling storage facilities.
- Formation of parking for 16 cars (accessed from the sites existing vehicular access point on Pavilion Way).
- Provision of facilities for parking cycles and scooters.
- Carrying out of repairs to the existing fencing and the erection of new fencing.

A plan showing the layout of the proposed development is provided at Appendix 1 of this report.

The main (modular) school building would be located on the central part of the site and accessed by either a ramp or steps. Play areas would be located to the north and west of the main building and the parking area for the school would be positioned to the south of the main building. The main school building would be a single storey structure that is rectangular in plan. The approximate maximum dimensions of this building would be 24m long, 9.6m wide and 3.1m in height.

A single tree (Category C Maple) would be removed as part of the proposed works. This is not covered by a Tree Preservation Order and would facilitate the installation of the cycle stands proposed.

It is noted that comments have been received that this application is a precursor to a proposal for a larger development on a wider site, which includes adjoining land, and that this application should be considered and evaluated on this basis. Comments have also been made in relation to previous proposals for the site which did not come to fruition. While these points are fully acknowledged officers take the view that this application must be considered on the basis applied for in light of all relevant material planning considerations. Any subsequent applications for this site, or a

wider site, would need to be considered in light of the material planning considerations at that time. It would not be appropriate or reasonable to require this application to evaluate a different proposal which may or may not come forward in due course for a development on a potentially different site.

### **Description of Site and Surrounding Area**

The application site comprises a broadly rectangular area of land, covering approximately 0.34 hectares in size, situated on the west side of Pavilion Way in the Burnt Oak Ward. The site currently includes a mixture of surfaces, including a fenced all weather playing surface, a parking area (hardstanding), hard surfaced access routes and soft landscaped areas.

The use of the site is discussed in detail in subsequent sections of this report. The lawful use of the land is considered to be as a playing field (primarily an all weather playing surface) with ancillary facilities (for example parking). A grassed playing field adjoining the site to the north and a changing pavilion building adjoining the site to the south-east do not form part of the land to which this application relates.

It is understood that the playing field facilities at this site, and the facilities at adjoining sites (the grassed playing field and pavilion building), were delivered as part of a wider consent which included new dwellings on land adjoining Deansbrook Road.

A group of trees adjoining the site directly to the south-west are covered by a Group Tree Preservation Order (reference TRE/HE/51). Land to the east of the site (east of Hutton Row and Compton Close) has been designated a Conservation Area. Historic England (Greater London Archaeological Advisory Service) has confirmed that the site does not fall within an archaeological priority area.

### **Referral to Secretary of State**

The Town and Country Planning (Consultation) (England) Direction 2009 sets out when a Local Planning Authority in England is required to consult the Secretary of State before granting planning permission for certain types of development.

The Direction applies to any application for planning permission which:

- (a) is for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development; and
- (b) is received by a planning authority on or after 20 April 2009.

Paragraph 7 of the Order states that for the purposes of the Direction, “playing field development” means development of a description where –

- (a) the land (or any part of the land) which is the subject of the application –
  - (i) is land of a local authority; or
  - (ii) is currently used by an educational institution as a playing field; or
  - (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; and

- (b) the English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –
- (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
  - (ii) that the proposed development would result in such a deficiency; or
  - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

### Assessment

Sport England has provided comments on the application and confirmed that they formally object to the development proposed (for the reasons detailed in previous sections of this report). In their response Sport England have also confirmed that they are not a statutory consultee to this application under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (the Order).

The land to which the application relates is presently owned by the Local Authority. However, it is considered that the application does not fall within the remit of Paragraph 7(b) of the Town and Country Planning (Consultation) (England) Direction 2009. This is because Sport England has not responded to a consultation on the application made specifically pursuant to a request under the Town and Country Planning (Development Management Procedure) (England) Order. Instead they have responded to the consultation on the application in the way that any party who considers that they have an interest in any application might do.

Therefore while Sport England object to the proposal, and the Local Planning Authority has taken careful account of their comments, the current application is not required to be referred to the Department for Communities and Local Government to enable the Secretary of State to decide whether or not they wish to call the application in for determination.

## **2. PLANNING APPRAISAL**

### **Principle of the proposed development**

As previous sections of this report have identified the application site comprises open space, the lawful use of which is considered to be as a playing field. The thrust of national, regional and local planning policy is to resist the loss of open space and playing fields unless it can be demonstrated that they are surplus to requirements or equivalent or better provision can be made within the area. In this instance the clear and strong protection given by planning policies to playing fields, sporting facilities and open space needs to be considered carefully alongside the significant support given by national planning guidance to the provision of new state funded schools. These matters are therefore explored further below.

### **Principle of an educational use at the site**

The Department for Communities and Local Government has published two documents which are of significance in the determination of planning applications for educational facilities such as this:

- Policy Statement - Planning for Schools Development (August 2011)
- National Planning Policy Framework (March 2012)

Each of these documents gives strong support to the provision of new, state funded educational facilities and they go as far as creating a presumption in favour of educational development.

The National Planning Policy Framework states at section 72 that:

*“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

It goes on to identify that planning authorities should:

*“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”*

The policy statement ‘Planning Schools Development’ should be given weight in the making of planning decisions on relevant applications (such as this). It states that:

*“The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state funded schools”*

It then identifies that:

*‘There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework’.*

It is clear that national policy is strongly in favour of providing state funded schools, and this is a material consideration in the determination of this planning application.

In principle Barnet’s Local Plan 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 supports proposals for education facilities which will help meet an identified need.

Barnet Core Strategy policy CS10 identifies that the Council will work with its partners to ensure that schools and facilities for older and younger people are provided for Barnet's communities. It also promotes the role of schools as community hubs. The policy goes on to state that in addressing educational needs in Barnet the Council will support proposals for parent promoted or free schools that:

- Conform with Department for Education guidance on becoming a new school; and
- Meet parental demand for school places; and
- Provide educational facilities that conform with basic school requirements as set out in relevant Department for Education guidance.

Policy DM13 of the Barnet Development Management Policies document identifies that new education and community uses:

- Should be located where they are accessible by public transport, walking and cycling, preferably in town centres.
- Should ensure that there are no significant impacts on the free flow of traffic and road safety.
- Will be expected to protect the amenity of residential properties.

This policy also states that the loss of community or educational uses will only be acceptable in exceptional circumstances where:

- New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

The Council's Education and Skills Service have confirmed their support for the application. They have also identified that the school is needed specifically to meet demand for school places in the local area and that children have already been registered to attend the school. At the time of writing this report it is understood that 38 local pupils have accepted a place at the school the subject of this application and that a further 19 pupils have been offered a place at the school and are yet to respond to this offer (all subject to the outcome of this application). All of these potential pupils meet the requirement of living within a 2 mile safe walking distance of the site and many are closer.

It is recognised that concerns have been expressed that a new school would be more appropriately situated in one of the Council's growth areas to meet the demand for school places being generated. However, on the basis of the above information it is accepted that there is a clear local need for the places this school would provide.

The submission confirms that the facilities provided by the school have been developed through engagement with representatives of the Education Funding Agency and that the new school would meet the requirements of the Department for Education Building Bulletin 103 Area Guidelines for mainstream Schools.

In accordance with the objectives of policy CS10 it has been agreed that the new school would be available to provide facilities for the wider community outside of the hours of school use. Delivery of this would be ensured through the conditions recommended. This wider community benefit is considered to be a material planning

consideration which weighs in support of the proposal.

It is concluded that there is a clear local need for the places which this school would deliver and that, having considered the relevant elements of planning policy and guidance, the principle of developing the site for an educational use is acceptable and compliant with development plan policies, subject to the need for careful consideration of the proposal against planning policies on the protection of open space, sporting facilities and playing fields. This matter is therefore evaluated below.

Matters relating to the acceptability of the school in respect of accessibility, impacts on the flow of traffic and road safety, the protection of the amenity of residential properties, biodiversity impacts and design and character matters are addressed in detail in subsequent sections of this report. However, the proposal is considered to be acceptable and compliant with policies in all these regards.

It is noted that objections have been raised that the development would result in the loss of community facilities. Viewing the existing facilities at the site specifically as a community facility (subsequent sections of the report consider them as open space, playing fields and sporting facilities), it is considered that the proposal would provide replacement educational facilities of better quality than the existing community facilities at the site and that the development would therefore be acceptable and meet the objectives of development plan policy in this regard.

#### The schemes impact on playing fields, sporting facilities and open space

Paragraph 74 of the National Planning Policy Framework (NPPF) states that:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

The Sport England document ‘A Sporting Future for the Playing Fields of England’ (1996) provides further guidance on development relating to playing fields.

London Plan policy 3.19 states that proposals which result in a net loss of sports and recreation facilities, including playing fields, should be resisted. Policy 7.18 states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.

Policy CS7 (Enhancing and protecting Barnet’s open spaces) of the Barnet Core Strategy identifies that the council will:

- Meet increased demand for access to open space and opportunities for physical activity by tacking deficiencies and under provision.
- Secure additional on-site open space or other open space improvements in the identified growth areas.
- Improve access to open spaces particularly in areas of public open space deficiency.
- Securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space.

Policy DM15 of the Barnet Development Management Policies Document states that open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- (i) The development proposal is a small scale ancillary use which supports the use of the open space; or
- (ii) Equivalent or better quality open space provision can be made.

Any exception to this will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

If approved the proposal would result in the change of the site from open space comprising a playing field with sporting facilities (primarily all weather playing surface providing tennis courts) and ancillary parking to an educational use which includes a new school building. The scheme would not provide equivalent or better provision of open space, sports facilities or playing field in terms of quantity and quality. The development would therefore result in a net loss of open space, playing field and sporting facilities. The application is not accompanied by an assessment which shows that the open space, playing field and sporting facilities on the land are surplus to requirements and it is recognised that the site is located more than 1.2km from the nearest district park and more than 400m from the nearest local park (Watling Park). The development must therefore be considered on this basis. In light of these factors it is found that the proposal is contrary to national guidance and development plan policies on the protection and loss of open space, playing fields and sporting facilities.

Having acknowledged this position it needs to be evaluated if there are material planning considerations which would outweigh the harm caused by the schemes conflict with planning policies on open space, playing fields and sporting facilities. As the previous section of this report explores the provision of new school places for which there is an identified local need is a very important material planning consideration and significant weight is placed on this by Officers.

While it is fully accepted that the application is in conflict with national guidance and development plan policies on the protection of open space, playing fields and sporting facilities, in this instance there are considered to be factors which, to some extent, limit the actual harm caused by this conflict with policy.

The site is currently in a poor state of repair and would appear to have been for some time. Several comments on the application identify that the former use of the

all weather surface was as tennis courts. At present this area is not in a fit condition to be used as tennis courts and, while the points around the use of the site raised in the objections are noted, it would appear to officers that this has been the case for a significant period of time. It is recognised that objections have been raised that the site has been neglected and allowed to fall into its current poor condition. However, this does not alter the position that the site is presently in a poor condition. It is also recognised that the officers in the Council's Property Service are of the view that the cost of bringing the property back to a standard that would enable effective sports use would be substantial.

This application has only sought consent for a temporary period of up to three years. Following the expiration of the three years, with the conditions recommended, the site would be re-instated in accordance with details that had previously been agreed with the Local Planning Authority. As such this application would not preclude the future use of the site as open space with playing fields or sporting facilities. It is also considered relevant and material that the development proposed in this application would not prevent the use of the adjacent area to the north of the site or the pavilion building to the south-east as open space, playing field or sporting facilities.

It is recognised that objections have been raised that the land is covered by a covenant which states that the pitch and pavilion should be used for sports for local people. However, it is not considered that this would constitute a reasonable basis on which to refuse this application for planning permission.

#### Conclusions on the principle of the proposed development

The assessment of this application requires the clear and strong protection given by planning policies to playing fields, open space and sporting facilities to be considered carefully alongside the significant support given by national planning guidance to the provision of new state funded schools.

Having evaluated the relevant development plan policies and material planning considerations in this case officers conclude that while the application is contrary to development plan policies and national guidance on the protection of playing fields, sporting facilities and open space, on balance, in the specific circumstances of this proposal the actual harm caused by the conflict identified is outweighed by other important material planning considerations in the form of the planning benefits that the development would deliver. Primary to these is the provision of school places for which there is an identified local need.

This is not a position which officers reach lightly. The schemes conflict with planning policies and the objections raised by Sport England, the London Playing Fields Foundation and Mr Dismore AM in respect of the proposals adverse impact on open space, playing fields and sporting facilities (set out in detail above) have all been carefully considered by officers in reaching this recommendation. However, on balance, it is not found that the adverse planning impacts of the scheme on the local area outweigh the desirability of establishing a school in the area. It is therefore found that the refusal of the school in principle (other matters are evaluated below) would not be justified in this instance.



For the reasons outlined above the principle of the development is, on balance, considered to be acceptable.

### **Design and character matters**

The NPPF makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document makes it clear that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The statement also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations. It then makes it clear that good design also involves integrating development into the natural, built and historic environment.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The main school building proposed is a single storey structure located in the central part of the site on an existing hard surfaced area (see plan in Appendix 1). Play areas would be located to the north and west of the main building, the parking area for the school would be positioned to the south of the main building and the development would utilise the existing vehicular access to the site. Officers consider this to be an acceptable and policy compliant approach to designing and laying out the site given the planning constraints. It is not considered that the scheme would result in any unacceptable visual impacts.

In general terms the site is currently in a dilapidated state. The proposal would repair and refurbish several elements of the site, including existing hard surfaces and fencing. It is considered that these works would represent a positive contribution to the character and appearance of the area. Tree matters are considered more fully in subsequent sections of this report. However, the proposals would retain a group of trees located along the site's eastern edge. This is considered beneficial for the natural screening of the site that it would achieve for dwellings to the east of the site.

It is acknowledged that the modular structure proposed for the main school building is fairly functional in form and design. This is found to be of an appropriate scale in

relation to neighbouring buildings and, subject to the conditions recommended, is also considered to be of a sufficient design quality for the circumstances of the site and scheme. The more minor elements of the development proposed (as detailed in earlier sections of this report) are also all considered to be acceptable in terms of their design quality. It is found that the new school building would be provided with an adequate setting and the hard and soft landscaping proposed is considered to be acceptable and compliant with the objectives of planning policies more widely (subject to the imposition of the conditions recommended). The refuse and recycling facilities proposed are also considered to be acceptable subject to the conditions recommended.

Parking, access and highway safety matters are addressed more fully in subsequent sections of this report. However, the design approach is found to be acceptable in all these respects.

The application is found to deliver an appropriate design solution in all regards which, subject to the conditions recommended, is found to be acceptable and compliant with development plan policies as they relate to design and character matters. Landscaping matters are addressed in section 2.6 of this report.

### **Impacts on amenities of neighbouring and surrounding occupiers and users**

Local Plan policies, such as policies DM01 and DM13, seek broadly to create quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design and the appropriate management of new development. For the reasons set out below the development is found to be compliant with the objectives of these policies, subject to the imposition of the conditions recommended.

#### **Privacy, Outlook, Daylight and Sunlight**

Policy DM01 of the Local Plan states that developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The site is bounded to the west by trees and a rail line, to the north by open space, to the east by trees and Pavilion Way and to the south by the access route into Wicket Court. To the south-east the site adjoins a changing pavilion building. In terms of its siting the main school building proposed is positioned in the central part of the site. Play areas would be located to the north and west of the main building and the parking area for the school would be positioned to the south of the main building.

The single storey school building proposed would be located approximately 25m from the nearest residential property and it is considered that the design, size, layout and siting of the proposed school building and associated spaces are such that they would not have an unacceptable impact in terms of outlook, privacy, light and overshadowing at the uses surrounding the site, including the adjacent residential properties. The application is therefore considered to be acceptable and compliant with development plan policy in these respects.

### Noise Impacts

Development plan policies state that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

It is anticipated that a level of noise would be generated from the development during the hours of use of the school. However, noise from children generated during the day is expected from primary schools and in this instance it is not considered to be such that it would be detrimental to the amenities of surrounding occupiers and users (subject to the imposition of the conditions recommended) or would justify a refusal of planning permission.

A condition has been recommended limiting the hours of use of the new facility. This would ensure that their use is kept within reasonable hours. A condition has also been included in those recommended to ensure that any noise from plant installed on the site is kept within acceptable parameters. Subject to the imposition of the conditions recommended Environmental Health officers have confirmed that they do not object to the proposal.

A condition requiring the submission of a Construction Management Plan has been included in those recommended. This would ensure that the construction of the development did not have an unacceptable impact on the amenities neighbouring properties in terms of noise matters (and in other regards).

### Lighting Impacts

Local Plan Policy DM04 states that lighting proposals for developments should not have a demonstrably harmful impact on residential amenity. In this instance no new lighting has been proposed as part of the development sought.

### **Creating inclusive environments for all members of the community**

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents provided with the application identify a number of ways in which the design of the proposed development has been influenced by the desire to make it accessible for all members of the community. This includes the provision of features such as suitably ramped accesses to and from the new school building, the inclusion of two disabled standard parking spaces and the delivery of appropriate routes into and through the site. Generally the design of the development would be undertaken with reference to Part M of the Building Regulations.

Conditions have been recommended to ensure that the development provides appropriate facilities for all members of the community in variety of regards, for example the provision of two disabled standard parking spaces. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating

a development that is accessible, useable, permeable and inclusive for all members of the community.

### **Trees, landscaping and biodiversity matters**

#### Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

There are a number of trees on and adjacent to the site and since the submission of the original application documents an Arboricultural Impact Appraisal and Method Statement, prepared by Barrell Tree Consultancy, has been provided to the Local Planning Authority in respect of the scheme.

The development proposed would result in the removal 1 tree (a Category C Maple) from the site. This tree is not covered by a Tree Preservation Order. Officers consider that the landscaping which would occur as part of the development provides adequate mitigation for the tree which would be lost in this instance. Conditions have been recommended to ensure that the landscaping implemented under the consent would be of a sufficient quality and would include the planting of at least 1 new tree (to replace the tree lost). Officers take the view that appropriate consideration has been given to trees and the desire to retain as many trees as possible. Conditions have been recommended to ensure that appropriate measures are taken to protect the trees proposed for retention during works to implement the scheme. More generally the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces and provides an appropriate setting for the buildings proposed.

Matters relating to access, parking, biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.

It is concluded that the scheme provides adequate mitigation for the landscaping features which would be lost as part of the works proposed and that the development is acceptable and compliant with policy in respect of tree and landscaping matters.

## Biodiversity

Policy DM16 of the Barnet Local Plan states that when considering development proposals the Council will seek the retention and enhancement, or the creation of biodiversity. Planning authorities are obliged (by the Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the relevant information on the presence of protected species at a site before they make a decision on an application for planning permission.

An Extended Phase 1 Habitat Survey of the application site was carried out by Ecology and Habitat Management Limited and a report identifying the results of this has been submitted with the application. The report sets out the following conclusions and recommendations:

- The site has a number of habitats which could support breeding and nesting birds.
- It is recommended that any vegetation clearance work is undertaken outside of the bird breeding season (March to September inclusive) or under the supervision of an ecologist following a breeding bird survey.
- The broadleaved trees at the sites boundaries form potential feeding and commuting habitat for bats and habitat for hedgehogs and these should be retained.
- The potential presence of other protected species was considered to be low.
- The site offer opportunities for biodiversity enhancements through the installation of bird boxes (Sparrow Terraced Nest Boxes) and the use of native plant species during any planting.

The conditions recommended would ensure that the biodiversity protection, mitigation and enhancement measures identified in the report would be delivered.

Natural England has responded to the consultation and they have not raised any objections to the proposal.

The landscaping conditions recommended (both in respect of the protection of existing features and new landscaping) are considered sufficient to ensure that these aspects of the scheme are acceptable from a biodiversity perspective. It is noted that the tree which is proposed for removal from the site is not located in a part of the land where it has been identified that trees should be retained to potential feeding and commuting habitat for bats and habitat for hedgehogs.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with policy on biodiversity and nature conservation matters.

## **Noise and air quality impacts**

### Air Quality Impacts

The borough has been designated an Air Quality Management Area (AQMA). This relates to exceedences of the annual mean nitrogen dioxide objective, however, it does not mean that the objective is exceeded across the entire borough. Local Plan

policy DM04 requires that development proposals ensure they are not contributing to poor air quality. It also identifies that where there is a localised source of air pollution buildings should be designed and sited to reduce exposure to air pollutants. Proposals should include air quality assessments where appropriate. An air quality assessment, prepared by Redmore Environmental, has been submitted with the application.

The air quality assessment submitted has been evaluated by officers in the Council's Environmental Health Service. Officers conclude that the proposal would have a negligible impact on local air quality. It is also found that in this location the school itself would not be expected to be exposed poor air quality. In light of these findings the proposal is deemed to be acceptable and compliant with the objectives of development plan policy in these respects.

### Noise Impacts

Local Plan policy DM04 identifies that proposals to locate noise sensitive developments (such as schools) in areas with existing high levels of noise will not normally be permitted. The application is accompanied by a noise report prepared by Acoustic Consultants Ltd. Officers in the Council's Environmental Health Service have assessed the submission, including this report. It is found that the development would not be subject to unacceptable levels of noise impacts from the surrounding area. The proposal is therefore considered to be acceptable and compliant with the objectives of planning policy in this regard. Matters relating to the noise impacts arising from this development have been assessed earlier in this report.

## **Transport, parking and highways matters**

### Policy Context

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network, take a comprehensive approach to tackling the school run, ensure that development is matched to capacity, deliver high quality transport systems in regeneration areas and town centres, seek more environmentally friendly transport networks and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan Document sets out the parking standards that the Council will apply when assessing new developments.

Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Proposals with the potential for significant transport implications will be expected to be in locations which are, or will be made, accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. The occupiers of new

schemes are also required to develop, implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Policy DM13 (Community and education uses) specifically identifies that new education uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres, and should ensure that they do not result in significant adverse impacts on the free flow of traffic and road safety.

### Existing Conditions

The Public Transport Accessibility Level for the site using Transport for London model is calculated as 3. This would be considered a medium accessibility level. Bus routes 32, 142, 204, 251, 288,292,302,303 and 305 are within walking distance of the site.

A Pedestrian Environment Review System (PERS) audit was conducted for an agreed area in the vicinity of the site. The PERS Audit indicates that the existing pedestrian environment in the area studied is generally of a good quality, with all of the selected links, crossings and public transport areas achieving average to good scores. A signalised pedestrian crossing of Deansbrook Road is present approximately 270m to the west of the site and a pedestrian refuge island is situated approximately 160m to the east of the site.

Personal Injury Accidents (PIAs) occurring within a 640m radius of the site over a 36 month period (ending in October 2014) were assessed as part of the Transport Statement submitted with the application. Of the total PIAs recorded 63 accidents were recorded as 'slight' and 3 were recoded as 'serious'. A total of 12 slight personal injury accidents were recorded on Deansbrook Road in reasonable proximity to the site. These included no recorded fatalities. 4 incidents involved cyclists and 2 involved pedestrians. No personal injury accidents were recorded on Pavilion Way itself. No personal injury accident trends or patterns were observed in the vicinity of the site which were likely to be exacerbated by the development proposed.

### The Proposal

Key highway, access and parking related elements of the proposal comprise:

- Vehicular access provided from Pavilion Way.
- The formation of on-site car parking facilities (on an existing parking area) to achieve 6 car parking spaces for staff and pick up, drop off and visitor parking for up to 10 cars.
- The inclusion of 2 of the on-site parking spaces as disabled standard parking spaces.
- The provision of 12 cycle parking spaces and scooter parking facilities on the site.
- The formation of a pedestrian access from Pavilion Way which is segregated from the vehicular access (in the interests of safety). This route also leads to the cycle and scooter parking facilities proposed.
- The provision of refuse and recycling storage facilities on the eastern part of the site.

### On-Site Parking

The layout proposed provides a total of 6 car parking spaces on-site for staff. The development would also provide an on-site drop off and pick up area that is able to accommodate 10 cars. These facilities would also be used to provide visitor parking. Two of the parking spaces proposed would be provided as disabled standard spaces. The car parking and drop off and pick up facilities proposed are considered to be acceptable and sufficient to meet the car parking demands generated by this proposal.

12 cycle parking spaces are proposed. This quantum of cycle parking is in accordance with the London Plan cycle parking standards and is found to be acceptable.

Conditions have been recommended to ensure that the car and cycle parking facilities proposed are implemented prior to the school being brought into use. Subject to these the proposal is considered to be acceptable and compliant with the objectives of development plan policies in terms of the parking facilities proposed.

### Trip Generation, Highway and Pedestrian Safety and Accessibility

The proposed development is predicted to generate approximately 28 vehicular (car) trips associated with parents and pupils, including 4 'park and walk' trips, in the Peak Period. 5 staff vehicular trips are predicted to occur as a result of the development during this period. The vehicular trip generation arising from the application is considered unlikely to have a detrimental impact on the highway network. The application is therefore found to be acceptable and policy compliant in this regard.

The development is expected to generate a total of 8 public transport (rail and bus) trips during the peak period. When viewed in the context of the current public transport facilities available in the vicinity of the site it is not considered that the proposal would have a material impact on public transport services. The application is therefore found to be acceptable in this regard. It is also concluded that the site is sufficiently accessible by public transport, walking and cycling to meet the objectives of development plan policy in this regard.

It is considered that the design and layout of the development proposed are such that it would provide suitable access arrangements for pedestrians and vehicles and that it would not raise any specific concerns from a highway and pedestrian safety perspective, subject to the conditions recommended. The application is therefore found to be acceptable and compliant with the objectives of development plan policy in these regards.

### Delivery and Servicing Management

Servicing is proposed to take place on-site within the car parking area accessed from Pavilion Way. All deliveries are to be scheduled outside school start and end times to minimise conflict with pedestrians and with peak pick-up and drop-off activity. Refuse and recycling collection activity for the temporary school will take place from Pavilion Way. It is understood that the arrangements have been agreed with the Council's Waste Collection service.



The conditions recommended include a requirement for the operation of the site in accordance with a Servicing and Delivery Plan that has previously been agreed with the Local Planning Authority. Subject to this condition the proposal is found to be acceptable in this regard.

#### Construction Vehicles

The conditions recommended include requirements for the submission and implementation of a Construction Management Plan, in order to ensure that potential construction logistical issues and highways impacts are adequately addressed. Subject to this the proposal is found to be acceptable in this regard.

#### School Travel Plan

In accordance with the requirements of planning policies an appropriate School Travel Plan will need to be provided and implemented in respect of the development to encourage shifts to more sustainable modes of transport. A condition securing this has therefore been recommended. Subject to the imposition of this condition the application is found to be acceptable and compliant with the objectives of development plan policies in this regard.

#### Transport, Parking and Highways Conclusions

The Council Traffic and Development Team have assessed the application and found the proposed development to be acceptable and compliant with the objectives of planning policy on transport, parking and highway matters, subject to the controls in place under the conditions recommended.

#### Sustainable design and construction matters

London Plan policies state that applications should demonstrate that sustainable design standards are integral to a proposal, including its construction and operation, and that they are considered from the beginning of the design process. Barnet Local Plan policy DM01 states that developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation.

The documents submitted with the application identify a number of ways in which the proposal would be constructed and operated in a sustainable way. These are discussed in more detail in the various relevant sections of this report, but include elements such as the creation of new education facilities for the community, the retention of trees, the provision of appropriate recycling storage equipment and the installation of facilities for cyclists.

It is acknowledged that as the scheme is for a temporary consent to deliver a facility which is relatively small in scale (the building would deliver 230m<sup>2</sup> of floorspace) the application does not propose the inclusion of certain sustainable design features (for example on-site renewable energy equipment) which would be expected for a larger permanent development. The approach proposed is found to be acceptable and reasonable for the permission that is sought in this instance. It is considered that the details provided in the submission are acceptable and policy compliant in respect of sustainable design and construction matters and that, taken in the round, the

application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters.

### **Archaeological matters**

The application is accompanied by a desk based Archaeological Assessment (prepared by AOC Archaeology). Historic England Archaeology has responded to the consultation on the application and, having reviewed the submitted assessment, they have not raised any objection to the proposal or request that any pre or post application determination archaeological assessment or evaluation of the site is carried out. Officers support this position and find the proposal acceptable in terms of archaeological matters.

### **3. EQUALITIES AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

The development proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the proposal, as controlled by the conditions recommended, would ensure that in several regards the development constructed would exceed the minimum requirements of such legislation. An example of this is the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report). With the conditions recommended the proposal is

found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development.

It is acknowledged that the scheme would result in the loss of playing field and open space. However, due to the poor state of the existing site it is considered that the school proposed under this application would represent a community facility which goes further towards meeting equality and diversity objectives than the current facilities on the land achieve. In this regard the development proposed would have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in Barnet's Equality Scheme and support the council in meeting its statutory equality responsibilities.

#### **4. CONCLUSION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material planning considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in detail in the previous sections of this report Officers conclude that the proposed development generally and taken overall accords with the relevant development plan policies and planning guidance, except as they relate to the protection of open space, playing fields and sporting facilities. In respect of the protection of open space playing fields and sporting facilities, it is considered that the proposed development would provide substantial planning benefits, in particular the delivery of school places for which there is an identified local need, and that, on balance, given the particular circumstances of the development these are sufficient to outweigh the schemes conflict with development plan policy and any harm caused in this respect. As such it is considered that there are material planning considerations which justify the recommendation to grant planning permission in this instance. The application is therefore recommend for APPROVAL subject to conditions, as set out in the Recommendations section at the beginning of this report.



**APPENDIX 2: SITE LOCATION PLAN**

**APPLICATION REFERENCE: 15/02616/FUL**

