

Location **Oak Lodge School Heath View London N2 0QY**

Reference: **16/2266/S73** Received: 6th April 2016
Accepted: 6th April 2016

Ward: East Finchley Expiry 6th July 2016

Applicant: Alison Dawes

Proposal: Variation of condition 1 (Plan numbers) pursuant to planning permission F/00422/14 dated 28/01/15 for `Demolition of the caretakers bungalow and construction of a new part single, part two storey stand- alone teaching block to accommodate 35 additional students including the reconfiguration of the school to improve facilities, increased car-parking and associated landscaping.` Variation to include change to flat window arrangement with all windows obscured up to 1.7m above floor level

Recommendation: Approve subject to conditions

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

L01 rev P03 General Arrangement
L02 rev P03 Tree Felling and Protection
L03 rev P03 Planting Proposals
L05 rev P03 Cross Sections
L08 rev P02 Detailed Cross Sections,
OL-CS-ZZ-000-3DM-AR-060001_P05
OL-CS-ZZ-G00-DFP-AR-061001_P07
OL-CS-ZZ-R01-DFP-AR-061003_P06
OL-CS-ZZ-ZZZ-DEL-AR-062001_P13
OL-CS-ZZ-ZZZ-DSC-AR-063001_P09
OL-CS-ZZ-ZZZ-DSC-AR-063002_P03
OL-CS-ZZ-ZZZ-DSC-AR-063003_P03
OL-CS-ZZ-U01-DFP-AR-061002_P06
OL-CS-SE-ZZZ-DEL-AR-062501_P02
OL-CS-ZZ-U01-DFP-AR-061002_P10
Design and Access Statement

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 plans

as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 The development must be begun before 28/01/2018.

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 4 The development shall be implemented in accordance with the materials as approved under condition application reference 15/05717/CON.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown on submitted drawings shall be provided and the access to the parking spaces will be maintained hereinafter.

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

- 6 The existing Oak Lodge School Travel Plan shall be updated and submitted for approval at least 3 months prior to occupation. The School Travel Plan shall be updated and submitted for approval annually for at least 5 years after occupation. The school shall achieve at least Bronze level STARS (Sustainable Travel; Active, Responsible, Safe) accreditation or equivalent for at least 5 years after occupation. School Travel Plan annual reviews should incorporate the increased number of staff and pupils. The documents shall set out the school's transport policy to incorporate measures to reduce trips to school by the private car and encourage non car modes such as walking, cycling and public transport where appropriate.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 The number of pupils attending the school and nursery shall not exceed 200, and the number of staff shall not exceed 110.

Reason: To ensure the Local Planning Authority has control of the number of children on site, in the interests of neighbouring amenity.

- 8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 9 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, including mature trees and replacements to any trees lost as part of the works, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 10 The development shall be implemented in accordance with the details of extraction and ventilation equipment as approved under condition application reference 15/07204/CON and permanently retained as such thereafter.

Reason: To safeguard neighbouring amenity.

- 11 The development shall thereafter be implemented in full accordance with the approved Construction Management and Logistics plan approved under condition application reference 15/05787/CON.

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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 12 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under condition application reference 15/05722/CON has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under condition application reference 15/05722/CON.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 13 No temporary or permanent external lighting, floodlighting or other means of external illumination shall be erected in connection with the development hereby approved except in accordance with a detailed External Lighting Scheme that has been previously submitted to the Local Planning Authority and approved in writing under condition application reference 15/05719/CON.

Reason: To enable the local planning authority to retain control external lighting in the interests of the amenities of the adjoining properties and biodiversity in accordance with policy DM01 of the Barnet Local Plan.

- 14 The scheme making provision to be made for disabled people to gain access to the development approved under condition application reference 15/07857/CON shall be implemented in its entirety before the first occupation of the development or commencement of the use and retained as such thereafter.

Reason: To ensure adequate access levels within the development in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policy 7.2 of the London Plan 2011.

- 15 The development shall be implemented in accordance with details of the protective measures to be implemented for the wildlife species protected by law and details of

any mitigation measures including the timing of development works and special techniques under application reference 15/05582/CON and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 16 a) Before the development hereby permitted is first occupied, details of privacy screen to the terrace to be installed shall be submitted to and approved in writing by the Local Planning Authority.
b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 17 The drainage scheme shall be implemented in accordance with the approved details under condition application reference 15/06499/CON before the development is completed and permanently retained thereafter.

Reason: To prevent the increased risk of on and off site flooding in accordance with Local Plan policy DM04.

- 18 The development hereby approved shall be implemented to achieve not less than a standard of 'Very Good' using the BREEAM assessment of sustainability for development (or an equivalent standard in such measure of sustainability which may replace that scheme). The development shall not be occupied until formal certification has been issued confirming that not less than a standard of BREEAM 'Very Good' has been achieved and this certification has been submitted to the Local Planning Authority.

Reason: To ensure that the development is sustainable and in accordance with policy DM02 of the Barnet Local Plan 2012 and policy 5.3 of the London Plan 2011.

- 19 Before the development hereby permitted commences full details of the proposed photovoltaic panels and solar thermal technology to be installed as part of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved photovoltaic and solar thermal systems and technologies shall be installed in the development in accordance with the approved details and be fully operational prior to the occupation of the building and thereafter permanently maintained in accordance with the approved details.

Reason:

To ensure that the development represents a sustainable form of development in accordance with policy DM04 of the Barnet Local Plan and policies 5.2 and 5.7 of the London Plan.

- 20 Notwithstanding the details submitted with the application, before the development hereby permitted is brought into use or occupied details of the:
- o 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;
 - o satisfactory points of collection; and
 - o 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.

Reason:

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

- 21 The development hereby permitted shall only be occupied or in use between the hours of 7.30am and 6pm on a Monday, Tuesday, Wednesday, Thursday or Friday and at no time on a Saturday, Sunday or Bank Holiday.

Reason:

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

- 22 Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2011.

- 23 Before the building hereby permitted is first occupied the proposed window(s) in the south-west facing elevation shall be glazed with obscure glass only to a height of 1.7m from ground level and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 24 The proposed doors on the south-west elevation facing towards Heath View shall be used for emergency access only.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The site is Oak Lodge Special School. It is a special school maintained by the London Borough of Barnet that offers places for up to 165 students aged 11- 19 with a range of learning difficulties. The school was granted planning permission for the demolition of the existing caretakers bungalow and construction of a new part single, part two storey stand-alone teaching block to accommodate 35 additional students including the reconfiguration of the school to improve facilities, increased car-parking and associated landscaping under reference F/00422/14 on 28/01/15.

The school is sited on the south-east side of Heath View. It is located opposite the Hampstead Garden Suburb Conservation Area.

At present the existing buildings on site are largely confined to the north of the site, with the south largely open including playing fields. To the north of the site is Nazareth House, with residential properties to the west on Hampstead Height, to the south Heath View, to the east on Pulham Avenue. In this way there are residential properties in close proximity.

2. Site History

F/00422/14 - Demolition of the caretakers bungalow and construction of a new part single, part two storey stand- alone teaching block to accommodate 35 additional students including the reconfiguration of the school to improve facilities, increased car-parking and associated landscaping. - Approved - 28/01/2015

3. Proposal

The proposals are for a section 73 application for a material minor amendment to the originally approved planning application. The proposed changes involve replacing the previously approved windows on the first floor south elevation angled towards the south-west with flat facing windows facing south.

The following plans would be substituted for originally approved plans:

OL-CS-ZZ-ZZZ-DEL-AR-062001 P13
OL-CS-ZZ-ZZZ-DSC-AR-063001 P09
OL-CS-ZZ-U01-DFP-AR-061002 P10

4. Public Consultation

Consultation letters were sent to 301 neighbouring properties.
9 responses have been received, comprising 9 letters of objection

The objections received can be summarised as follows:

Outlook was previously splayed to prevent overlooking.

Windows would look out directly to flats and garden, if they are obscured only up to 1.7m (the height of a short adult) above floor level they provide property and garden inadequate privacy.

Anyone taller than 1.7m, looking out from these windows, would see directly into my garden and through the windows of flat.

If the windows are to be flat under the proposed new design they should be obscured on each floor up to 1.9m.

Garden is very short.

There is no screening and both windows will overlook garden and back bedroom window.

Proposals will needlessly detract from the attractions of the internal environment designed for, and experienced by, students and staff.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

Policies 3.1, 3.2, 3.16, 3.17, 3.18, 3.19, 5.2, 6.13, 7.1, 7.4

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS8, CS10, CS11, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM13, DM15, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

-Procedural Issues

-The principle of expanding the school in planning policy terms

-The loss of a dwelling (caretakers bungalow)

-Whether the proposed development would harm the character and appearance of the street scene or general locality

-Whether the proposal would harm neighbouring amenity

-Whether the proposal would harm trees of special amenity value

-Whether the proposal would harm highway or pedestrian safety

-Whether the proposal would harmfully increase local flood risk

-Whether the proposal would have an acceptable impact on biodiversity

-Whether the proposal would be acceptable in sustainability terms

-whether the standard of accommodation is acceptable?

5.3 Assessment of proposals

Procedural Issues

Officers consider that when considered in relation to the approved scheme that the changes are material and that the section 73 process is applicable. It is therefore appropriate to assess the planning merits of the scheme.

In terms of consultation, The Local Planning Authority has complied in all respects with the General Development Management Procedure Order. Consultation with residents over an area with a 100 metre radius measured from the perimeter of the site has taken place in accordance with Barnet's Statement of Community Involvement. Site and press notices have been advertised.

The principle of expanding the school in planning policy terms

The expansion of the school by 35 students was previously considered under the original report.

There is no change in respect of the numbers of pupils proposed, or the circumstances for expanding the school.

The need for new specialist school places, as well as the policy support for expanding the school are addressed in the previous committee report (Application reference F/00422/14).

The principle of expanding Oak Lodge School would help provide additional school spaces and would comply with the National Planning Policy Framework, and policy DM13 of the Development Management Policies and policy CS10 of the Core Strategy.

The loss of a dwelling (caretakers bungalow)

There is no change with regard to this issue, the proposals would involve the expansion of an existing school and it is considered that the loss of the bungalow is acceptable under policy DM07.

Whether the proposed development would harm the character and appearance of the street scene or general locality

The proposed appearance of the school building would alter to some extent as a result of the proposals. Essentially, the first floor south facing windows would now be flat in line with the building rather than angled. This would look somewhat different from long distance views from properties to the south on Heath View. Views from the street are likely to be limited given intervening trees and the distance and angle involved.

It is not considered that the changes to the south elevation of the building would cause any sort of harm in respect of the appearance of the building. The massing remains almost exactly the same as the previously approved scheme. It is considered that the development would have an acceptable impact on the character and appearance of the streetscene and general locality.

Whether the proposal would harm neighbouring amenity

Daylight/Sunlight

As the previous report notes, the proposed new building would be sited approximately 8.5m from the boundary with the nearest property to the south-west at 1&3 Heath View. The site is located to the north-east of these properties. This relationship is maintained along the southern boundary of the site.

It is not considered that a daylight/sunlight report needed to be submitted as part of the application because it is not considered possible for the proposal to result in a significant degree of overshadowing (loss of light and sunlight) of neighbouring gardens given the orientation of the proposed building and the distance between the proposed building and the boundary with neighbouring properties.

Furthermore, the retained tree screen would provide a degree of screening to the boundary which would further reduce any potential impact from any overshadowing caused by the development.

The changes to the scheme involve the replacement of angled windows at first floor with flat windows. Any impact in respect of daylight or sunlight is considered by officers to be negligible given the minor change in the shape of the building.

Outlook

As the previous report notes, the proposals would involve the creation of a building a distance of approximately 8.5m from the boundaries with properties on Heath View. The relationship to properties on Heath View changes from east to west, in that no.1-11 Heath View have their outlook west-east, and 13-45 Heath View have their outlook north-south.

The proposals show an increase in height to the land of approximately 1.4m maximum (1.2m under the building). In this way, the height of the building would be 9.2m above the level of the land adjoining the boundary with Heath View.

The length of the houses at 13-45 Heath View varies however these are generally relatively long, at 20m-30m. The proposals will result in a building of increased scale and massing in closer proximity to the boundary. The spacing of 8.5m between the building and the boundary with residential properties will allow some scope for planting to help soften the impact of the building. However, it should also be noted that there is a significant drop in levels from the site to the south that will make any development appear more visually dominating than would normally be the case. The majority of existing trees shall be retained between the boundary and additional planting be provided to mitigate the loss of any during the works. A condition is suggested to ensure that mature tree screening is provided.

The proposed classroom building would be sited in the same location as that previously approved, with only minor changes to the south elevation. It is not considered that the changes to the elevation of the building would result in a materially greater loss of outlook than the previously approved scheme.

Visual Impact

The previous report notes that the palette of building materials used would be consistent with prevailing materials in the area and this would help the proposed building to fit in with the surrounding area. Nevertheless, the building will have some impact as perceived from neighbouring residents given the additional height and this needs to be given weight.

The proposals involve the replacement of angled windows with flat windows. Whilst this may look somewhat different to the approved scheme as perceived from the rear windows and gardens of residential properties on Heath View, it is not considered that any greater harm would arise from the previously approved scheme.

Overlooking

The previous report notes that the proposed new classroom block would be sited approximately 8.5m from the south-west boundary. It would be sited at right angles to the rear outlook of no.1 and 3 Heath View. In this way, any views from the school would be into the rear part of the gardens of these properties. The proposals make provision for mature landscaping which would help prevent views into the gardens of these properties. The proposed terrace area would be screened to prevent overlooking into neighbouring gardens.

The proposed changes involve the replacement of angled windows on the first floor of the building with flat facing windows. The windows would remain obscure glazed to a floor height of 1.7m.

It is recognised that the angled nature of the windows would have helped mitigate to some extent against perceived overlooking as windows would have been orientated away from

rear gardens and windows. In this way, it is necessary to consider whether there would be a harmful impact in this respect by having flat facing windows.

It remains the case that the windows would be obscured to a height of 1.7m. This would prevent any actual overlooking as the obscure glazing would be high enough to prevent any views outside from children or staff. This is because 1.7m height would exceed eye level.

Furthermore, it must be noted that there would be some boundary screening retained between the windows and the rear gardens and windows of properties on Heath View.

Therefore taking all these matters into account it is considered that there would not be any harmful actual or perceived overlooking from the amended windows to the residential windows and gardens of residential properties on Heath View.

Noise/Disturbance

The previous report states that it is recognised that the expansion of the school to provide an additional teaching block for 35 pupils is likely to increase the general activity on site and create potential for additional noise. However, it needs to be considered that the existing area to the boundary is at present used as a pedestrian/cycle access which already generates a degree of noise and disturbance. In this way, the new school building will provide a partial barrier for noise from the existing playground to residents in Heath View. Noise escape from the new building would be limited as the windows would only be partially openable by a fanlight opening.

Furthermore following concerns from residents the scheme has been designed so that the areas immediately to the south would not be used as break-out areas by pupils.

The proposed terrace would be sited sufficient distance from the boundary to prevent harmful noise and disturbance to neighbouring occupiers. The terrace would be used as spaces for informal small group work and as spaces for individuals to withdraw to for relaxation and fresh air.

A condition is suggested to ensure that the buildings are not used at anti-social hours and that the proposals do not prejudice residents' enjoyment of their properties.

There are no proposed changes to the size of the school extension or its siting. The proposed windows would have a fan-light opening as per the approved scheme and the location of windows is similar. It is therefore not considered that the proposals would have a materially greater impact than the approved scheme in respect of harmful noise and disturbance.

Whether the proposals would harm trees of special amenity value

There are a number of mature trees located in proximity to the boundary between the school and Heath View rear gardens. This is unchanged from the previous scheme. The proposals involve changing angled windows to flat windows. It is not considered that this has significant implications in terms of future pressures for tree works given their distance away.

It is not considered that the proposals have any implications for trees of special amenity value.

Whether the proposals would harm highway or pedestrian safety

The size of the school, location of access points and parking spaces are unchanged from the previously approved scheme. It is therefore considered that the proposals would have an acceptable impact on highway and pedestrian safety.

Whether the proposals would harmfully increase flood risk

The extent of hardstanding, size of buildings and drainage strategy are unchanged from the previously approved planning application.

It is not considered that the proposals would harmfully increase flood risk on the site or cause harmful impacts to neighbouring occupiers.

Whether the proposals would have an acceptable impact on Biodiversity

The site has been subject to an Ecological survey including a bat survey. The report concludes that the site is of low ecological value.

In assessing the application it is necessary to consider whether there are protected species on the site. Protected species are protected under the Wildlife and Countryside Act 1981 and the European Habitats Directive.

The applicant has considered the possibility of whether bats are on site given the nature of the existing buildings.

It is considered highly unlikely that any other protected species would be present on the site. A bat survey accompanies the application and provides emergence survey and dawn returning survey.

These found that there is evidence that the caretakers lodge and school site are used for commuting/foraging and possibly as a night /satellite roost by a low number of common pipistrelle bat/s, possibly lone males.

The ecological value of the caretakers lodge to bats is low as a roost site and there are a large number of buildings on site that offer similar alternative roosting opportunities for bats which are similar to those provided by the caretakers lodge.

A condition ensuring that adequate mitigation be provided during demolition in order to protect bats during works was attached to the original application and has subsequently been discharged.

Whether the development would be acceptable in sustainability terms

The Supplementary Planning Document on Sustainable Design and Construction states that for new major developments proposed developments should provide an Energy Statement which demonstrates

compliance with the London Plan energy hierarchy, the London Plan carbon dioxide requirements and where relevant decentralised energy.

London Plan Policy 5.2 states that

'Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. The Mayor will seek to ensure that developments meet the following target for CO2 emissions, which is expressed as year improvements on the 2010 Building Regulations. Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).'

An Energy Statement was submitted with the original planning application and was considered acceptable. A condition is suggested in order to ensure that these are followed through.

It is considered that the proposals would be acceptable in sustainability terms

Whether the standard of accommodation is acceptable

The proposals would provide a new classroom block for an existing school. The design of the school has taken into account guidance published by the Government on primary and secondary school design. In relation to SEN schools the document states that

'All pupils, including those with special educational needs (SEN) and disabilities, should be able to access the full curriculum and be provided with appropriate support and intervention when necessary. Some of the issues to consider when designing a special school - or specially resourced provision at a mainstream school'

It goes on to states that account must be taken of accessibility issues, medical and therapy support, Sensory needs, Flexibility and adaptability, Health and well-being, and safety and security.

The existing building has narrow corridors, small classrooms and low ceilings, and the proposals offer scope to provide improved accommodation for teachers and pupils. It is considered that the proposed building would provide an acceptable level of additional school accommodation. The proposed building design would allow for adequate glazing and outlook for users of the building.

It is not considered that the use of flat windows, as opposed to angled windows would provide a harmfully poor level of accommodation for staff and pupils of the school.

A condition has been attached ensuring suitable disabled access.

5.4 Response to Public Consultation

Generally addressed in main report. Whilst it is acknowledged that people may exceed 1.7m height, they are unlikely to be taller than this to eye level. 1.7m is a generally recognised figure as being satisfactory to address overlooking. The issue of the tree canopy is unchanged from the previous planning application and it is not considered that the changes would result in harmful further pressures for treeworks to protected trees.

Furthermore it is considered that the partly obscured outlook would provide an acceptable level of accommodation for pupils and teachers. The school has also confirmed that windows obscured to 1.7m height are suitable for their needs.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th 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 proposed development would provide additional accommodation for children with special needs. In this way, it would provide additional educational facilities which are likely to improve the opportunities for children many of whom will have disabilities.

In terms of likely negative impacts, it is suggested that the majority of these can be mitigated through conditions and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic. Whilst it is recognised that disabled and elderly road users could be more likely to be affected by proposals which result in an intensification of use it is considered that these impacts are adequately mitigated by the proposals. Furthermore planning permission has already been granted for the development in principle. The changes to the windows would disadvantage any group with a protected characteristic.

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. The development would therefore 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 our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

The following needs to be considered in reaching a conclusion:

- o The proposals would provide new school accommodation for which government guidance states should be given substantial weight in any planning application. It would provide modern accommodation that would improve upon the accommodation within the existing school.
- o The loss of the existing bungalow is justified in accordance with policy DM07 as the development is for new school accommodation
- o The proposed development is considered to fit acceptably in design terms with the character and appearance of the streetscene and area.
- o The development would cause some harm in terms of visual impact but any harm would be reduced by the retention of trees at the boundary which would be subject to tree preservation order.
- o The proposals would generate some additional activity. The effects of this will largely be mitigated by the layout of the new building
- o The proposals would result in the loss of some trees of amenity value to the boundary between the school and residential gardens on Heath View.
- o The development takes into account localised flood issues and conditions are suggested that will ensure that these are not exacerbated.
- o The development is considered acceptable on highway, sustainability and ecology grounds
- o The changes to remove the angled windows and replace them with flat facing windows would not cause any additional harm.

It is considered that the benefits of providing additional special school accommodation within the borough outweigh any harm caused in terms of loss of amenity and damage to trees of amenity value. Taking all relevant factors into account on balance, the application is recommended for APPROVAL.

