

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

ELMc2_EX 001 (Proposed: Ground Floor Plan)
ELMc2_EX 100 (Existing: Ground Floor Plan)
ELMc2_EX 101 (Existing: First Floor Plan)
ELMc2_EX 102 (Existing: Second Floor Plan)
ELMc2_EX 103 (Existing: Roof Plan)
ELMc2_EX 200 (Existing: Section EE)
ELMc2_EX 300 (Existing: Elevations 01)
ELMc2_EX 301 (Existing: Elevations 02)

ELM_PL 99 A (Proposal: Basement Plan)
ELM_PL 100 E (Proposal: Ground Floor)
ELM_PL 101 E (Proposal: First Floor)
ELM_PL 102 B (Proposal: Second Floor Plan)
ELM_PL 200 A (Proposal: Section AA & BB)
ELM_PL 201 A (Proposal: Section CC & DD)
ELM_PL 202 A (Proposal: Section EE)
ELM_PL 300 A (Proposal: North & South Elevation)

Design and Access Statement
Planning 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 This development must be begun within three years from the date of this permission.

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

- 3 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 2015.

- 4
- a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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
- No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:
- i. Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures including provision of a banksman when required;
 - ii. Site preparation and construction stages of the development;
 - iii. Details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. 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;
 - v. The methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. A suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. Noise mitigation measures for all plant and processors;
 - viii. Details of contractors compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. 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 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.

6 Part 1

Before development commences other than for investigative work:

- a) 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.
- b) 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.

- c) 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

- d) 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 2015.

- 7 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, 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 2015.

- 8 a) Development shall not begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved in writing by the Local Planning Authority.

The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings.

- 9 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 10 a) Before the development hereby permitted is first occupied or brought into use, a School Travel Plan incorporating measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS (Sustainable Travel Active Responsible Safe) accreditation scheme for the following 3 years.

The School Travel Plan shall include SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 11 Prior to the commencement of the development, details of any works proposed on public highway shall be submitted to and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety and 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.

- 12 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the school; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

13 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

14 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety 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.

15 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 16 Before the development hereby permitted is occupied, shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

- 17 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

- 18 The level of noise emitted from the ventilation/extraction plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 19 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 20 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 21 The school hereby permitted shall only be open between the hours of 09.00 and 18.00 Monday to Friday and shall be closed at all times on Saturday, Sundays and Public and Bank Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Class M of Part 7 of Schedule 2 of that Order shall be carried out within the area of the school hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 23 The caretaker's flat contained within the loft of No.37 Elmcroft Crescent shall be used as a self-contained unit as shown in the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 24 The school shall be limited to a maximum number of 210 pupils.

Reason: The traffic and transport impacts of the application have been assessed on the basis of this number of pupils. To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway safety in accordance with Development Management policy DM17.

- 25 The proposed development shall only be used as a school and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

RECOMMENDATION III:

- 1 That if an agreement has not been completed by 19 December 2016, that unless otherwise agreed in writing, the Planning Performance and Business Development Manager should REFUSE the application 16/4409/FUL under delegated powers for the following reasons:

1. The proposed development does not include any provision for improvements to the highway that would be needed as a result of the development contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

2. The proposed development does not provide an updated Travel Plan and it is therefore considered that the proposed development would have a detrimental impact on the free flow of traffic contrary to policy CS9 of the Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

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 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 3 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the

Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

- 4 For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.
- 5 Any alteration if required to the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under S184 or S278 of the Highways Act 1980. Reinstatement of any redundant crossovers, removal or relocation of any existing street furniture or alteration to road markings would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works. You may obtain an estimate for this work from the Crossover Team in Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

1. Site Description

The proposal relates to Talmud Torah Tiferes Shlomoh School, a private, religious, boy's school. The existing school site is located between the residential property of 37 Elmcroft Crescent and the Northern Line railway viaduct. The site is triangular in shape and measures approximately 1,000sqm. The site is bounded by the railway viaduct, the rear gardens of Montpelier Rise and side of No.37 Elmcroft Crescent.

The existing school comprises of a series of pre-fabricated modular buildings. The entrance to the school is via a gate located between the house of 39 Elmcroft Crescent and the railway viaduct.

The school has been operating for 11 years on this site and currently accommodates 150 boys aged between 3 and 11 years.

2. Site History

Reference: F/03433/10

Address: Land Adjacent to 37 Elmcroft Crescent, London, NW11

Decision: Approved subject to Legal Agreement

Decision Date: 01 December 2010

Description: Demolition of existing building and erection of part single, part two storey buildings for use as one form entry school. Associated ground floor and first floor playgrounds.

Reference: F/01930/09

Address: Land Adjacent to 37 Elmcroft Crescent, London, NW11.

Decision: Refused

Decision Date: 21 August 2009

Description: Demolition of existing building and erection of part single, part two storey buildings for use as one form entry school. Associated ground floor and first floor playgrounds.

Reference: C14479C/05

Address: Land Adjacent to 37 Elmcroft Crescent, London, NW11 9TB

Decision: Approved subject to conditions

Decision Date: 07 April 2005

Description: Change of use of land adjoining 37 Elmcroft Crescent to a Primary School (Class D1) and retention of associated portakabin. Opening hours Monday to Thursday 0820 to 1730, Friday 0900 to 1300 and Sunday 0900 to 1430.

3. Proposal

The application seeks to demolish the existing school buildings and to construct a new school, with associated playground and acoustic barrier with landscaping. The proposal also involves part change of use of No. 37 Elmcroft Crescent from dwelling house (Class C3) to educational institution (Class D1) and rear extension. The proposed school entrance will remain in the existing location.

The school is proposed to be open Monday to Friday between 09.00 and 18.00 with increased capacity for 210 pupils. The new school would have 15 members of staff

working in the morning and 19 staff in the afternoon. All together the school would have eight classrooms, including kindergarten and administration space and toilets.

A previous application was approved under planning Reference No. F/03433/10 which involved a similar proposal for the demolition of the existing and construction of a new school. For clarity, the main differences between the applications area:

- the inclusion of No.37 Elmcroft Crescent for the provision of administration space;
- the whole plot has been lowered into the ground, with the creation of a basement;
- the massing and bulk of the two storey element has been significantly reduced under this scheme;

4. Public Consultation

Consultation letters were sent to 49 neighbouring properties.
10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- School use is out of keeping with the residential nature of the road;
- Proposal is contrary to Council's policy to maintain the residential nature of this street;
- Proposed siting, height and scale of the proposed buildings and playground on the first floor would impact on neighbouring properties in terms of overlooking, loss of privacy and visually overbearing;
- Increase in pupil numbers will further increase traffic and noise issues;
- Proximity to Northern Line railway poses a danger;
- Issues of right to light to properties opposite.

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.

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, CS8, CS9, CS10, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM13, 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

Residential Design Guidance SPD (adopted April 2013)

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

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:

- Principle of school development and the partial loss of residential dwellinghouse;

- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways issues.

5.3 Assessment of proposals

Principle of an educational use on this site

The provision of new community facilities is largely supportive under Policy 10 of the Core Strategy of Barnet's Local Plan which aims to ensure that the right community facilities are provided for Barnet's communities. Policy DM13 recognises that educational uses may be appropriate in residential areas where they do not have a demonstrably harmful impact on the amenities of nearby residential properties and other uses in terms of noise and traffic generation, or on the character of the surrounding area.

The use of the site as an education facility has been long established with an approved planning consent from 2005, with the school operating over the last 11 years. Therefore the principle of an educational use on this site is considered to be already established. Within the applicant's Planning Statement, it is indicated that the redevelopment of the site is required to replace the existing dilapidated modular buildings and to serve the school's increasing demand for spaces.

Loss of residential dwelling

The proposal seeks to integrate and partially change the use of the adjacent residential property at No.37 Elmcroft Crescent to provide administrative areas for the school, toilets, focus rooms and internal lift. Policy DM07 states that given the high demand for housing in the borough, the loss of residential uses will not normally be acceptable and will be only be permitted in specific circumstances. Such circumstances would include where there is a clear and demonstrated need for educational use.

The applicant has provided justification for the loss of residential dwelling. This statement highlights the existing poor quality of residential accommodation, with the presence of the railway line bridge restricting the available daylight/sunlight, exposure to noise and vibration and the poor quality of outlook. In addition, the statement highlights the impact on the redevelopment of the school, should the dwelling be excluded from the proposals. This would represent an 18% reduction in the amount of accommodation provided which if to be re-designed within the existing site, would result in the reduction from eight to six classrooms, equivalent to a 25% reduction in the capacity of the school. It is not possible to increase the height the proposed building due to the proximity of the railway line and the impact of the increased height on the outlook of neighbouring residential properties.

Following further discussions, it was negotiated that an element of residential use could be retained on site through the provision of a caretaker's flat. While the justification submitted was of an appropriate level, the retention of some form of residential use was considered to hold additional material weight. The caretaker's flat is proposed within the loft space of No.37 with the lower ground and first floors being utilised for the use of the school.

Considering the combination of the proposed educational use and partial retention of residential use, the Planning Authority is satisfied that appropriate justification has been submitted to include No.37 Elmcroft Crescent within the current proposal and its partial change of use is considered to be acceptable and compliant under Policy DM07.

impact on character and appearance of existing site, streetscene and wider locality

The primary bulk of the proposed development will be a two storey building located along the front of the site and will appear as a continuation of the existing dwellings. It will incorporate a pitched roof to mimic the form and height of the adjacent houses. The external appearance of this element will be a mixture of light brick, with sections of profiled metal cladding. This contrasting design is not considered to be inappropriate or out of character as it is predominately screened by the railway bridge and embankment. The external appearance of the front elevation of No.37 will remain unchanged.

Towards the rear of the site, it is proposed to reduce the overall impact of the development by lowering the level of the whole site and placing the new buildings within a basement and lowered ground level. This approach ensures that the bulk of the development is limited to one storey, minimising any potential overlooking or overbearing. Due to the slope that runs south-east to north-west across the site, elements of the overall height of the development will appear reduced from the rear gardens of Montpeiler Rise. A planted acoustic barrier will be installed around the boundaries to No.39 and Montpeiler Rise to prevent overlooking to and from neighbouring houses while at the same time minimising the amount of noise transmission from the school playground the first floor.

The existing rear extension at No.37 will be removed and rebuilt with a single storey addition which will project in line with the neighbour's extension. A second floor element will be set away 6 metres from the neighbouring property.

The school entrance will be retained in the existing access point but will be excavated to remove the slope to create a more accessible entry. A ramped access has been designed into the proposal on the east side of the site to allow easy access between the levels.

Regulations require a 3m zone for access adjacent to the embankment which will allow access for TFL vehicles along the whole of the site.

Impact on amenities of neighbouring residents

It is considered that the proposed development is designed and sited to best minimise any adverse impacts on the amenities of neighbouring property. The proposed bulk of the development is located away from the neighbouring properties and in combination with the installation of a landscaped barrier, any issues of overlooking will be removed. The placement of buildings within the lower ground levels will reduce the scale of the development. The landscape element will act as a buffer and a natural boundary. Windows have been sited either below the boundary fence and within the two storey building which is positioned approximately 16 metres from the rear gardens of Montpeiler Rise.

Currently the school accommodates 150 pupils on site. It is stated that the school is currently oversubscribed and a review from the school concluded that there is an under provision of similar religious places both presently and in the immediate future. The application seeks the increase in capacity to 210 pupils. The principle of increased capacity was considered to be acceptable under the previous approved application in 2010, with the implementation of a School Travel Plan (STP) considered to help mitigate any adverse impact.

While outdated, a STP has been produced which proposes a set of practical measures, travel initiatives and targets that can enable schools to reduce the impact of travel on the environment. The STP identifies that the catchment area of the school is very local with 95% of students living within 10 minutes' walk from the school. There are a high number of sibling children at the school and there is currently a car rota system which is proposed to continue.

Highways

The Council's Traffic and Development service has assessed the proposal and acknowledged that no parking was provided for the existing school and no new parking provision is proposed within this application. The site is within Brent Cross controlled parking zone which operates for one hour, Monday to Friday 11:00am to 12:00 noon and in close proximity to Brent Cross Underground Station. There are also pay by phone bays on Montpelier Way NW11 operating from Monday to Friday 10am to 5 pm with maximum stay of 6hrs and 30 minutes.

They comment that the proposal without parking provision in this location is acceptable subject to the submission of a travel plan and a Section 106 agreement for pedestrian facilities improvements.

5.4 Response to Public Consultation

1. School use is out of keeping with the residential nature of the road;
The use of the site as a school has been long established with approved planning consents.
2. Proposal is contrary to Council's policy to maintain the residential nature of this street;
The loss of dwelling has been justified to the Planning Authority's satisfaction and is considered in compliance with policy DM07.
3. Proposed siting, height and scale of the proposed buildings and playground on the first floor would impact on neighbouring properties in terms of overlooking, loss of privacy and visually overbearing;
This has been addressed in the above sections. The Planning Authority is satisfied that the proposed development is of an appropriate scale and design and would not have a detrimental impact on the amenities of neighbouring properties.
4. Increase in pupil numbers will further increase traffic and noise issues;
The Council's Traffic and Development service has not raised any issues in relation to traffic and parking provision. The additional noise issue is considered to be mitigated through a series of measures such as the travel plan and installation of the acoustic barrier. A number of the objection raised issues that the school was open on Sundays. However, it is indicated within the application form that the proposed opening hours are only sought for 09.00 to 18.00 Monday to Friday. Therefore the school will not be open on Sundays.
5. Proximity to Northern Line railway poses a danger;
A separation distance of 3 metres has been provided between the railway line and proposed school buildings.

6. Issues of right to light to properties opposite.

The Planning Authority does not consider that the development would have any detrimental impacts on the sunlight/daylight levels received by neighbouring properties.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

