

**Location**                      **37 Moss Hall Grove North Finchley London N12 8PE**

**Reference:**                      **16/2845/FUL**                      Received: 28th April 2016

Accepted: 3rd May 2016

Ward:                              West Finchley                      Expiry 28th June 2016

Applicant:                      Mr William Zuckerman

Proposal:                      Demolition of existing outbuildings and erection of a part single, part two storey, part three-storey building to provide a new day nursery including single storey side extension with terrace at first floor level to existing two-storey building and landscaping

**Recommendation:** Approve subject to s106

**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3.     3. Travel Plan Monitoring                      £5,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. As part of the Travel Plan, Section 106 Contract of Employment Clause  
That all employees who will travel to the nursery by car will be required to park at least 400m away from the application site and use either passenger transport or walking to access the site as a condition of employment. Details of registration will be submitted to the Council on request.

5. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Planning Performance and Business Development Manager 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:

Construction Management Plan; Woodland Management Plan; Landscape Management Plan; Design and access statement; Health and Safety Assessment; Transport Statement (TPA); Transport Assessment (TPA)' Transport Assessment Update Note (TPA); Arboricultural Impact Assessment (Landmark); AIA -Site Layout; AIA - first floor; AIA - second floor; Constraints Plan; Tree Protection Plan; Planting Plan; 253(08)121; Site investigation (arbtech); Arboricultural Method Statement (Landmark); Foundations plan; Foundation Section; 2237(08)V01 View 1 Moss Hall Grove; 2237(08)V02 View 2 Nether Street revA; 2253(08)110 rev F Proposed Ground Floor Plan; 2253(08)111 rev D Proposed First Floor Plan; 2253(08)112 revD Proposed Second Floor Plan; 2253(08)113 rev B Proposed Roof Plan; 2253(08)120 revB Proposed Elevations and Sections Small; 2253(08)121 rev A Proposed Sub Station Section; 2253(08)200 rev - Proposed Green Space Diagram; 16028 500 P4 Sections; 16028 502 Services Overlay Plan; 16028 Building Excavation Depths P3; 16028 External Construction Details - Permeable Paving Section; DLP\_TFP\_AMS\_03a; 2253(08)001; 2253(08)002; 2253(08)010; 2253(08)012; 2253(08)020;

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 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.

4 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.

5 a) No development other than demolition works shall take place until a scheme indicating the provision to be made for disabled people to gain access to the development has been submitted to and approved in writing by the Local Planning Authority.

b) The scheme approved under this condition 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 2015.

6 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

7 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

8 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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, 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.

10 a) No development other than demolition works shall take place until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

11 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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.

12 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

13 a) The non-residential development is required to meet a level of Very Good for BREEAM (Education)

b) Before the development is commenced, the development shall submit the pre-commencement certification of the relevant BREEAM standard document.

c) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

14 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).

15 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).

16 Prior to the first occupation of the proposed development hereby approved, details of the proposed servicing and delivery management strategy shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with this approved strategy.

Reason: In the interests of highway safety in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

17 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 B of Part 15 of Schedule 2 of that Order shall be carried out within the area of the site 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).

18 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).

19 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) 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 this condition 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 this condition.

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 2015.

20 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

21 No development or site works shall take place on site until a 'Demolition and construction method statement for the existing substation ' has been submitted to and approved in writing by the Local Planning Authority.

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 2015.

22 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.

23 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).

24 The level of noise emitted from any 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.

25 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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 protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

26 At no time shall the total number of children of the nursery hereby approved exceed 104

Reason:

To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies from the London Plan, CS1 and CS5 of the Core Strategy (Adopted) September 2012 and DM01, DM04 and DM17 of the of Development Management Policies (Adopted) September 2012.

27 The nursery play space to the north of the site, hereby permitted shall only be occupied or in use between the hours of 7.30am and 7.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday only.

Reason:

To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Development Management Policies (Adopted) September 2012.

28 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the first occupation of the development hereby approved a scheme of measures that the development will incorporate to achieve the standards necessary for a proposal of this nature to achieve accreditation under the national Police initiative 'Secured By Design New Schools 2014' shall have been submitted to the Local Planning Authority and approved in writing (in consultation with the Metropolitan Police). The development shall be implemented in full accordance with the scheme of measure approved under this condition prior to its occupation.

Reason:

To ensure that the development has a suitable design in respect of safety and security and to accord with policies DM01 and DM02 of the Barnet Local Plan.

29 The nursery operator will maintain a schedule of employee car registrations for disclosure to the Local Planning Authority within 2 working days of any such request.

Reason: Pursuant to the provisions of the Nursery Travel Plan and in the interests of highway safety.

### RECOMMENDATION III:

#### 1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31/12/2016, unless otherwise agreed in writing, the SInterim Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The absence of the measures proposed arising from the development would result in a harmful impact on the safety and effectiveness of the highway and undue parking stress in a locality which already suffers from high vehicle borne trip generation. The proposed development would therefore be contrary to policy DM17 of the Adopted Barnet Local Plan, 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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 Informative: 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.

Informative: Section of Nether Street between Ballards Lane to Dollis Road is part of Traffic Sensitive Route from 8.00am-9.30am and 4.30pm-6.30pm Monday-Saturday.

Informative: 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.

Informative: 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.

## **Officer's Assessment**

Officer's Assessment

### **1. Site Description**

The site consists of a small area of land at the corner of Nether Street and Moss Hall Grove a short distance to the north of West Finchley Underground station. The wider area bounded by the railway line, Nether Street and Moss Hall Grove is characterised by educational uses and there appear to be two functioning schools on the site. The specific applications site also appears to have an educational use in its last lawful use and consists of a storage building, a car port style covered area, a small play area, hard landscaping and a two storey brick building. Uses on the other side of the road to the north and west are residential with variable heights, styles and ages. The site is not located in a conservation area and does not consist of listed buildings or locally listed buildings. There are no listed buildings which would be affected by the proposals in close proximity. The site and the surroundings in general are characterised by mature trees which form an important contribution to the landscape and streetscene character. There is a group designation within the site and individual designations for two trees which have been outlined above and pose significant constraints for the site.

### **2. Site History**

Reference: F/02061/08

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Refused

Decision Date: 14 August 2008

Description: Removal of existing outdoor classroom and existing outdoor store, replacement and increase in area of existing outdoor classroom.

Reference: F/03877/08

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Refused

Decision Date: 27 November 2008

Description: Removal of existing outdoor classroom and store and erection of replacement classroom.

Reference: F/03626/09

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Approved subject to conditions

Decision Date: 21 December 2009

Description: Removal of existing outdoor classrooms & existing outdoor stores, retention of existing outdoor classroom.

Reference: C12015D/04

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Approved subject to conditions

Decision Date: 25 November 2004

Description: Demolition and replacement of a single storey classroom unit to the north of site.

Reference: 15/07333/FUL

Address: 37 Moss Hall Grove, London, N12 8PE

Decision: Withdrawn

Decision Date: 16 March 2016

Description: Demolition of single storey building and erection of two storey building with basement level. Single storey side extension to existing 2 storey building including 6 no. rooflights for use as a nursery school.

This application was withdrawn under the instruction of the applicant, prior to a decision being made. The application was recommended for refusal on the basis that the proposed development would harm trees which are subject to a Tree Preservation Order and would be harmful to the effectiveness and safety of the highway.

### **3. Proposal**

Planning permission is sought for the erection of a three storey building on the site for use as a nursery for 104 children. This constitutes a reduction from 124 children as originally planned within the planning application. The anticipated staff numbers on the site are approximately 30 - 35.

The nursery would comprise a floor area of 596sqm based on an overall footprint of 359sq.m on a site of 770sq.m.

The building has a maximum height of 10.14m above the lowest ground level close to the junction with Moss Hall Grove and Nether Street. The building is 12.45m deep from the Nether Street frontage and 24m along the Nether Street frontage to the site. The scheme will also utilise the existing two storey building at the northwestern corner of the site. The building will be set back 3.5m back from the site boundary and set back 1.5m at ground floor level.

The building would be predominantly constructed from brick facades with timber used within facades to provide a softer appearance to respect the context. Green roofs will be used on the ground floor roofs. Windows would be constructed from aluminium. A number of play areas will be provided at both ground floor and elevated levels.

The proposed development would result in the loss of no trees within the site, although there would be some modifications to existing tree canopies within the site in accordance with good practice for tree maintenance. In addition, the development would also be carried out to ensure that existing root protection areas are also maintained through construction, the digging of foundations and the subsequent operation. Furthermore, the scheme will see an increase in on site surface permeability from 20% to 47% due to the removal of areas of hardstanding and its replacement with soft landscaping.

The nursery would operate from 0700 - 1900 which is longer than any other nursery premises in Barnet. There would not be any parking on the site. Staff would be prevented from parking on the highway network within a 400m radius of the site which would be an obligation of the contract of employment. The transport statement indicates that vehicular movements generated by this proposed development would be very limited and would not add to perceived and actual congestion around this site. Unlike the adjoining schools, the arrival (start) and pick up (finishing) times are more stretched out and flexible and run from 0700 - 0930 and 1630 - 1900.

### **4. Public Consultation**

There have been two periods of consultation concerning this planning application. The first period took place at the commencement of the application in May 2016 for a period of 4 weeks. This was followed by a second period of consultation that took place for a period of two weeks in November 2016.

Consultation letters were sent to 45 neighbouring properties.

141 responses have been received, comprising 138 letters of objection, 1 letters of support and 2 letters of comment.

The objections received can be summarised as follows:

The scheme will cause chaos on local roads

The building would ruin the character of the area

Driving around the area particularly at the junction of Moss Hall Grove and Nether Street is difficult

The scheme would cause a deterioration of air quality.

No parking would be provided for staff.

Parking in Courthouse Road and Courthouse Gardens would be problematic

The trip generation expectations are unrealistic.

Parking would become impossible for local residents

It is unrealistic to expect that parents would walk with their children.

People park over driveways and in no parking areas.

Local roads are too narrow to accommodate the additional car parking and trip generation.

There should be a Controlled Parking Zone in the area.

The proposal would also be dangerous for pedestrians and cyclists particularly on the pavements and at crossings.

Mature trees should not be removed.

The scheme would proposed to use terraces which would have an impact on residential amenity for local residents.

There are already three nurseries within three miles.

Such a large development should be well away from a dense housing area as Wewst Finchley now is.

The building is too high.

Impact on nature and wildlife in the area.

## **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 2015

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 2031. 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, CS10, CS11, CS12,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM17

#### 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:

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

### **5.3 Assessment of proposals**

#### Land use

A proposal for the development of this corner of the site for the further intensification of education facilities would be supported by the land use policies of the Core Strategy and the Development Management Plan Local Plan policies DPD. Policy DM13 supports the provision of new educational facilities however, these should be located close to transport or within town centres. The scheme is within a short walking distance from West Finchley underground station and there are bus routes within the locality. However, given the age range of proposed attendees to the site, it is considered that such facilities should be located at the heart of the residential communities that they serve and given that the facility is to be located on an existing education site, it is considered that the proposal would satisfy the requirement on policy grounds. The Core Strategy at policy CS10 outwardly supports the provision of educational facilities and also states that the Council will work to enable the development of free schools or other parent enabled schools. It is considered that the development would satisfy this particular requirement.

It is noted that some objectors raise the issue of need in relation to the suitability of a nursery on this site. The nearest nursery previously operated by the applicant (Active Learning, West Finchley) is full with a waiting list. The nearest nursery to the site at Moss Hall has a capacity of 78 but has 156 on roll. The current unmet need is a material

planning consideration where it can be demonstrated by the, Education Strategy for Barnet 2013 - 2014/2015 - 2016. Page 28 of this document sets out how the Council will seek to secure sufficient high quality provision and widen local opportunity. It states that the Borough is witnessing a significant growth in the number of children and young people living in Barnet and this is projected to continue rising until at least 2020.

The document states that the delivery of effective early years education, [...] requires a sufficient supply of high quality settings that can meet the diverse needs of Barnet's children located where it meets the needs of parents and their families.

On this basis it is considered that the proposed development would be acceptable on land use ground, compliant with policy DM10 of the Development Management Policies DPD.

### Design and appearance

In isolation from the arboricultural issues which are addressed below, the character and appearance of the proposed development and its impact on the character of the area and the streetscene require assessment.

Moss Hall Grove on its northern side and Nether Street on the western side consists of substantial development of variable height, design and style. Trees form part an important part of the local character within Moss Hall Grove and Nether Street as does the large scale campus development comprising the schools in the area.

The existing site includes a number of buildings which make a varying contribution to the character and appearance of the area. These include a brick built two storey building, a prefabricated building, ancillary structures and a substation. The scheme proposes the removal of all the buildings with the exception of the original two storey building. It is considered that this would be of benefit to the character and appearance of the streetscene. The proposed development would also involve a significant improvement to landscaping within the site by way of a large reduction in the extent of the impermeable surface.

Nevertheless, the proposed development would result in the introduction of a new building into the site which would be considered to have a positive visual impact within the streetscene. The proposed development would be arranged over three storeys and would have a long linear footprint along the Nether Street frontage, however, the proposed development would be set further away from the Nether Street frontage than the current structures in place. The building is set 5.6m back from the pavement edge in Moss Hall Grove which allows for existing (and retained) trees to screen much of the building from view from within the street. The ground floor part of the building forms the significant part of the footprint with the first and second floor elements forming much smaller sections. The first floor is set back almost 8m from the pavement edge in Moss Hall Grove and over 3m from the pavement edge in Nether Street. These would be inset from the edge of the ground floor element too to make the upper elements subordinate and discreet within their context. The application proposes that the development will use materials such as brick which will respond to the predominant material used in buildings around the area as well as timber that will demonstrate a softer visual impact beyond the site. The proposed development is contemporary in its appearance and form but its size, scale and massing would not be overbearing within its context.

The proposed development also seeks the extension to the existing two storey detached building at the southern end of the site. This single storey extension would run along the



side boundary with Moss Hall Nursery School and given its juxtaposition with the side boundary and retained trees, it is considered that the proposed development would be acceptable given its very limited visual impact and its subordinate relationship with the original building.

### Arboriculture and tree protection

The site is constrained by existing Tree Preservation Orders which are in place on the site. The Order pertains to a group of 5 trees on the northern boundary with Moss Hall Grove and two individual trees to the south. These contribute to the wider landscape character that is evident within the streetscene. These are substantial trees which are positive contributors to the landscape and their retention and protection is in the public interest. It is noted that one Ash tree was permitted for felling in 2008 on the grounds that it was suffering from substantial defects that would cause the tree to likely fall down with damaging impact. The trees within the site were described (within the report for application TPO/00616/10/F) as contributing significantly to the character and appearance of the urban area. They help to screen the buildings and soften the appearance of buildings within a densely developed area. It is considered that these have special amenity value. In association with the above application in 2010, permission was given for the modification, lifting and clearance works to the existing trees with no removal. The tree modification principles given in the above application report were that all the trees within the group were subject to previous lifting treatment at an earlier time and that only minor lifting would be necessary and required at this time. The removal of the lower level limb of the Chestnut tree was prevented by way of a condition limiting the diameter of the branches.

This emphasises the importance of these trees and there is a strong presumption against any development that may affect the contribution that these structures make to the local landscape and streetscene character. The buildings do not necessarily require the mitigation measures to overcome development pressures associated with tree growth in the way that residential development does. However, the proposed development including its foundations must be located outside of the established root protection areas and the anticipated tree canopies.

Officers were minded to refuse the previous planning application (15/07333/FUL) on trees grounds. The proposed development was considered to have too harmful an impact on the landscape and amenity value of the trees, there would be too great an intervention into the root protection area and finally, the operation of the proposed development post construction would not give rise to adequate protection for trees retained on the site.

However, since the previous planning application was withdrawn, the applicant has commissioned new arboricultural consultants to carry out a re-evaluation of the arboricultural assets on the site, their contribution to the site and the ability of the development to respond to the constraints that exist. The essential objective is to ensure that the development preserves the contribution that trees subject to TPO protections make to the character of the area.

Starting at the below-ground level, the proposal now removes all basement excavations from the scheme. These were previously considered to be invasive to comprehensive root protection areas which exist on the site. Secondly, the foundations for the proposed development have been reconsidered and they are also less invasive, with much reduced piling being proposed across the site and certainly located away from RPAs. Given the falling land levels across the site towards the Moss Hall Grove edge of the site, the floorslab of the development is proposed to be elevated over the land level rather than

built in to the slope. Implementation of the proposed development would allow much of the existing hardstanding to be removed and replaced by permeable surfaces. This will constitute a significant increase over and above the current permeable surface area and will permit better filtration for rainwater and other surface water drainage into the soil for the benefit of trees on the site. Finally, the proposed development results in the removal of a substation towards the northern part of the site which the applicant has suggested would be relocated as and when UKPN's service requirements arise. Concern has previously been expressed that if the sub station was relocated to a position adjacent to Nether Street, its reconnection to the utility network may require substantial below ground intervention. Concern exists as to the impact that service runs might have on tree roots.

The construction or alteration of utility equipment and other infrastructure benefits from permitted development rights under Part 17, Class B of the Town and Country Planning General Permitted Development Order (2015). The removal of these permitted development rights by planning condition will ensure that these interventions can be controlled by the local planning authority.

Much of the Council's concerns relating to construction and operational impacts which were raised by the Council in the previous application and also at the early stages of this application, have now been overcome following site visits, meetings and negotiations between the Council and the applicants. Accurate, clear and comprehensive information has been received in relation to Root Protection Area, Canopy Protection zones and the extent to which groundworks might affect these and the Council's Arboricultural Officer has withdrawn their objections to the scheme subject to compliance with a new Tree and Landscape Management Plan.

No trees of significance will be removed by the proposed development. However, a small number of trees will endure minor canopy reduction works which are considered by the Arboricultural Officer not to be harmful to the vitality, health or longevity of these trees.

Nevertheless, the construction of this proposed development is considered to be of significant importance given the constrained location for both arboriculture and highways flow. In order to strike a balance between the two major material impacts, further consideration will be required of the impact of the proposed development on site accommodation, the storage of materials, the placement of scaffold (where required) and all other plant, equipment and structures during the course of development. The existing Construction Management Plan provides information in this regard, but further information can be provided.

A tree and landscape management plan should also be provided to ensure that the proposed development enhances the contribution that existing planting makes to the character and appearance of the area.

The arboricultural officer retains some concerns (which can be resolved by condition) the construction techniques will reduce the risk of roof and canopy damage to the trees included in the Tree Preservation Order with pruning being very similar to that undertaken previously by the Council. The amenity value generated by trees and the Tree Preservation Order in this location would not be detrimentally affected if the development is carried out in accordance with the precautions set out in submitted and revised application documents and those which are to be sought for submission and approval through planning condition. These include documents pertaining to services, tree protection and method statement, landscape details implementation and maintenance.

## Amenity

Given the proposed use of the site it is considered that there would not be a significant material impact on residential amenity of the residents in Moss Hall Grove or Nether Street.

## Highways and transportation

The site is located at the junction of Nether Street and Moss Hall Grove. It is a short distance from West Finchley underground station on Northern Line and is located in PTAL 3 zone. There is no car parking currently on the site within the red site line. The site is not located in a Controlled Parking Zone, however, on street parking is heavily restricted in streets around the site and the adjoining schools.

Although there is some vehicular access into the site, the proposed development would be car free. No parking would be made available within the curtilage of the site and as such, all staff and parents would have to stop on street.

Objections to the application on highways grounds form the most significant material consideration arising from the statutory consultation period. Moss Hall Grove and Nether Street suffer considerably from the impact of parents arriving at the complex of schools in the area. This causes a significant reduction in highway flow with vehicles stopping off either on the street or the pavement.

The proposed child intake has been reduced to 104 partly to reduce the building's impact on the trees and also to reduce the travel impact of the proposed development. The proposed development takes account of the existing highways conditions in Moss Hall Grove and Nether Street and the applicants have been able to demonstrate that the proposed development would not have a detrimental impact on highway safety and flow.

Starting with the impact of staff parking associated with the development, the proposed development would provide employment for up to 35 members of staff on the site. The site is well connected to local public transport with the High Road and West Finchley underground station a short distance away. This is borne out by the PTAL 4 rating for the site which is deemed to be good and is a tool to reduce car borne journeys to work and instead maximise opportunities generated by the sustainable location.

The applicant has advised that the cost of living in the area and the rates of pay for nursery staff to some extent causes the costs of car ownership to be prohibitive for employees and to some extent this is evidence that is available at nurseries that the applicant owns. However, the applicant acknowledges that car usage and parking demand cannot be eliminated entirely and in the absence of a controlled parking zone designation, an alternative measure has been proposed which forms part of an overall travel plan set of measures.

In this case, the applicant has proposed that the contract of employment to all staff of the nursery would contain a condition that states that no employee would park within 800m of the nursery. Transport for London have defined that this is the reasonable walkable distance. This radius is considered sufficient to displace the parking impact of the proposed development away from the immediate locality of the nursery. This will enable the staff car parking demand to take place in a manner and location which would not affect the parking in the area immediately around the school. This condition will be secured through a Section 106 legal agreement with exceptions in place in relation to anti -

discrimination legislation concerning disability access and personal security. This method of securing this restriction through a Section 106 legal agreement has past precedent. This has been previously used for another scheme in London. On this basis, it is considered that the obligation meets the tests of the NPPG and would be enforceable.

A Travel Plan would also be secured through this planning application to secure wider benefits. There are other tools that are open to the Local Authority, in this respect, such as designating a Controlled Parking Zone in the wider area. However, in light of this application, there is no reasonable prospect of likelihood that this might come forward within an appropriate time frame. Nevertheless, it is considered that the proposed development would be acceptable in respect of the management of staff parking associated with this development.

Of greater concern to objectors is the impact that the proposed development would have on the highway arising from the daily drop off and pick up of children attending this proposed nursery. This must be assessed in the context of the existing schools. The eastern boundary of the site abuts Moss Hall Infant and Junior School which accommodates 840 pupils. The site boundary abuts Moss Hall Nursery which operates two forms for up to 78 children. Moss Hall Nursery is accessed from Nether Street while the Primary and Junior School is accessible from either Nether Street or Essex Park. The application site for this scheme was previously occupied by a small Primary School and there was previously approved capacity on site for up to 60 pupils and there is therefore a reasonable fall back position which can be relied upon.

The likely arrival and departure profile for the proposed nursery is based on a similar scheme in West Hampstead. This nursery sees the most significant movements in the morning between 0800 - 0815 and also from 0900 - 1000. This is outside of the principal arrival times for the neighbouring schools. In addition, given that the nursery is located further from Central London, than West Hampstead, it is anticipated that it is more likely for the proposed development to generate drop off movements earlier in the day than would be the case for a more centrally located site. As such, it is suggested that the drop off times would take place earlier in the morning that would be generated by the local schools. This means that there would not necessarily be a conflict between the associated trip movements at schools. Because of this the applicants are able to extrapolate the car trips that would be generated by the nursery and the time of day that they would take place. The figures that have been provided indicate the additional trip generation growth over and above the use anticipated by the previous planning permission.

The proposed trip generation for the originally intended 120 children would have resulted in 14 cars in the area between 0800 - 0900, with 8 of these between 0800 and 0815. Were the 60 place school use lawfully recommenced, the use would generate trip demand during the key time of 0830 and 0900 of eight movements. The applicants have demonstrated that the nursery school would have a trip demand of just 5. Therefore the proposed development would have a lesser impact than the existing lawful use, were it to be recommenced. It is not considered that the site has been abandoned to a nil use and that the land use comparisons for lawfulness are appropriate.

Nursery schools are not always a programme of five day attendance and it is often the case that children will attend some days of the week rather than daily. Based on similar nurseries elsewhere, it can be demonstrated that daily attendance at the nursery might be 68% of places. This means that for this proposed nursery the possible daily attendance might be around 70 children rather than the 104 that the proposed capacity might indicate.

This would be just 10 more children than the number previously in attendance on site for the previous use on the site.

A travel plan will be sought, secured and monitored through the planning application and the use would operate in accordance with this Travel Plan to identify measures to reduce the impact that the proposed development might have on local highway network. The proposal has been assessed and evaluated by the highways officer who has considered that the proposed development would be acceptable on three grounds: that staff parking can be managed so that it does not impede the highway immediately around the school; that there is an existing lawful use on the site that identified a baseline traffic generation which would not be exceeded by this proposal and that the main bulk of highways movements will take place before the main vehicular movements associated with the AM peak and after the movements after the PM peak.

### Sustainability

The proposed development would improve surface level permeability within the site, increasing substantially, the area of space dedicated to permeable surfaces as opposed to the currently predominantly hard landscaped area. Therefore, in respect of surface water drainage, filtration would be effective. However the applicant would be willing to entertain alternative methods including rainwater harvesting. A condition would be imposed to secure a surface water/drainage strategy.

In respect of water consumption, the applicant is content to limit water consumption and supply within the site as appropriate subject to a relevant condition in this regard.

The applicant has yet to provide or prepare an energy strategy which would demonstrate the ability of the scheme to make significant reductions to Co2 emissions. Nevertheless, the application should accord with DM04 and the requirements of the Sustainable Design and Construction SPD (2016) to accord with the requirement of BREEAM (Education) at a level of Very Good. A condition will be imposed in this regard and a pre- commencement and post completion certification will be sought through this condition process.

### Planning obligations

The application shall secure a Travel Plan with a contribution towards the monitoring of this at a sum of £5,000.

#### a. S.106 Employment Contract Clause

"The Local Planning Authority ("Barnet Council") advise that vehicular use in the vicinity of the nursery should be limited in the interests of highway and child safety. All employees of the nursery should not park private vehicles (for commuting purposes) within 400metres of the nursery. Employees are encouraged to either walk or use public transport for the purposes of daily commuting to the nursery in accordance with the provisions of the Nursery Travel Plan. Failure to observe this requirement may result in formal disciplinary action. Exceptions to this general rule shall be applied in appropriate circumstances. Employee car ownership and registration will be declared and provided to the nursery and in accordance with the provisions of the Nursery Travel Plan. If you are unable to walk or use public transport you must inform your employer immediately."

This will also be accompanied by the following provisions in the Nursery Travel Plan which will be rehearsed in the Employee Handbook:

b. Suggested Condition

1. The nursery operator will maintain a schedule of employee car registrations for disclosure to the Local Planning Authority within 2 working days of any such request.

Reason: Pursuant to the provisions of the Nursery Travel Plan and in the interests of highway safety.

c. Provisions of the Nursery Travel Plan

Car usage and parking

London Preschool Ltd employees are discouraged from use of private cars and this is formalised within all contracts of employment. Car parking space in the vicinity of the nursery is limited and restrictions apply.

London Preschool Ltd operates a compulsory car registration scheme for employee cars. Any employee who owns a motor vehicle, is contractually required to register the motor vehicle. Failure to register a motor vehicle may lead to penalties being imposed under the school's disciplinary procedures.

The Local Authority has banned parking within 400m of the school unless the employee is a resident in one of those houses. You may be liable to disciplinary action if you ignore these restrictions.

No employee may bring a motor vehicle within 400m of the nursery without first having guaranteed that an off-street parking space is available.

Important Note:

Employee vehicle registration data as outlined above will be used by the nursery for the following purposes:

o For the investigation of employee discipline offences, and specifically to ensure that employees do not park illegally in the residential areas within a 400m threshold of the nursery.

o To assist the nursery and Barnet Council in the enforcement of the section 106 'no employee car agreement' which apply to employee commuting restrictions.

Conclusion

The key point for Members to appreciate is that the effect of the s.106 clause is to ensure that employees are made aware of their responsibilities to the School, and there is a legal context to embark on justified disciplinary proceedings in the event that a breach were to be identified.

a. The effect of the clause is to discourage such use.

b. The effect of the condition is to enable meaningful monitoring where the local planning authority are presented with evidence of a potential breach.

c. The effect of the Travel Plan conditions is to ensure that the nursery as an employer has set out the responsibilities of employees

## 5.4 Response to Public Consultation

The application has been supported by a robust transport and parking justification which has been assessed by the Council's highways officers. The application provides for a maximum of 104 pupils. These pupils will not necessarily attend the site daily and it is estimated that the actual attendance on any given day would be approximately 70. This is

a small number over and above the last operational school use attendance on the site which was 60.

The proposed development would attract a significant proportion of its trips as car borne trips. However, these would only equate to approximately 60% of trips. Nevertheless, the vehicle movements would predominantly take place before 8.15 rather than during the main peak associated with the schools after 8.30. In addition, the scheme would generate the majority of evening peak movements after 6.00pm.

Given the pre-existing education use on the site for 60 pupils, the trip generation likely to arise from that form of premises which could be re-instituted, would be similar or less than that associated with this previous school use. Therefore, it is considered that the proposed development would not individually have a material impact on the established lawful position in this area.

In respect of the impact on arboriculture, the proposed development is considered to have an acceptable co-existence with the trees on the site. The proposed development has been reduced in size, its physical extent has been reduced and the method of its construction has been significantly reduced to ensure that no trees will be lost and no trees will be harmfully impacted by the existence of this building.

The proposed development would be contemporary in style and appearance but would respond to the levels within the site, would not be larger than existing buildings and would be well shielded by landscaping.

The need for additional nursery space has been established. There are waiting lists for nurseries in the area and opportunities for strategic growth in nurseries have been identified.

## **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.

37 Moss Hall Grove London N12 8PE

