

**LOCATION:** 80 Daws Lane, London, NW7 4SL

**REFERENCE:** H/01226/11

**Received:** 23 March 2011

**Accepted:** 23 March 2011

**WARD(S):** Mill Hill

**Expiry:** 18 May 2011

**Final Revisions:**

**APPLICANT:** C/O Etz Chaim Primary School

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

**RECOMMENDATION: Approve Subject to Conditions**

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

Reason:

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

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

Reason:

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

3. The premises, as shown on the approved plans, shall be used for a primary school nursery and reception class only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

4. Before development hereby permitted is occupied, parking spaces, and cycle parking, shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

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

The School Travel Plan should include the appointment of a School Travel Plan Coordinator, measurable targets and a clear action plan for implementing any measures. The School Travel Plan should be reviewed annually in accordance with the targets set out in the Plan.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and GNon Car of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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

Reason:

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

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

Reason:

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

#### **INFORMATIVE(S):**

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

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

In particular the following polices are relevant:

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

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

ii) The proposal is acceptable for the following reason(s): -

The proposal is considered to be acceptable with regard to development plan policies subject to appropriate planning conditions. It would introduce valuable

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

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

- Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
- Planning Policy Guidance Note 2 (PPG2): Greenbelts
- Planning Policy Statement 4: (PPS 4) Planning for Sustainable Economic Growth
- Planning Policy Guidance Note 13 (PPG13): Transport
- Planning Policy Guidance Note 17 (PPG17): Planning for Open Space, Sport and Recreation
- Planning Policy Statement 24 (PPG 24): Planning and Noise
- Planning Policy Guidance Note 25 (PPG25): Development and Flood Risk

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

3.19 (educational facilities), 5.1 (climate change mitigation), 5.3 (sustainable design and construction), 5.13 (sustainable drainage), 6.13 (parking), 6.3 (assessing transport capacity), 7.2 (inclusive environment), 7.4 (local character), 7.16 (green belt) and 7.19 (biodiversity and access to nature)

### Relevant Unitary Development Plan Policies:

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

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

Mayor of London SPG: Sustainable Design and Construction (May 2006)  
Barnet's Sustainable Construction and Design Supplementary Planning Document (SPD) (Approved May 2007)  
Barnet's Three Strands Approach  
A Sustainable Community Strategy for Barnet 2006-2016  
London Borough of Barnet Corporate Plan 2007/08- 2010/11  
Cabinet report 'Investment strategy to meet demand for primary school places' dated 6 September 2010

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development

Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Of relevance section 15.6 of the Core Strategy states:

(15.6.5) We will continue to identify opportunities to improve the condition of secondary schools in Barnet and to provide sufficient school places, building on the success of the investment programme which has already delivered four new primary schools and one secondary school on time and on budget. The government's 'Free Schools' programme may also help to meet some additional demand for school places.

(15.6.6) Barnet has a uniquely diverse range of schools with high numbers of Church of England, Catholic and Jewish schools, as well as several single sex and selective secondary schools. Meeting parental choice for particular types of school remains a priority. We welcome approaches from schools within the independent sector that want to join the maintained sector, or from groups wishing to set up a 'Free School', where parental demand is proven and the school provides premises that conform with basic school requirements as set out in relevant guidance from the Department for Education (DfE).

#### Relevant Core Strategy Policies:

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

#### Relevant Planning History:

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

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

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

Wyevale Garden Centre, Daws Lane, NW7.

H/01702/11 - Change of use from current A1 use (Garden Centre) to proposed D1 use (Education). Proposals involve the retention and conversion of the existing building, additional windows on front elevation and modifications to existing facades. Removal of the existing central glass roof and glazed conservatory on the eastern side, followed by single storey extension. Opening up rear of the site to form an open courtyard, play area and soft landscaping. New front boundary treatment, additional planting and security hut, provision of 17 car parking spaces. Submitted 26/4/2011 - still under consideration.

#### Consultations and Views Expressed:

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

223 letters of support have been received to the application.

Neighbours Wishing To 18  
Speak

The objections raised may be summarised as follows:

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

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

1. Firstly, with a change in use for education, there will be an increase at peak times in the number of vehicles bringing parents, staff and deliveries. The proposed exit and entrance route to the car park is already overcrowded with vehicles. Daws Lane is the only access point to the primary artery East and West (the A41) for residents of this area of Mill Hill and the increase in traffic will be significant in an already congested road.

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

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

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

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

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

The letters of support received maybe summarised as follows -

- School would be good for the area and community
- There is a desperate need for primary school places
- Great opportunity for local children who will walk to the school

- Building is currently rarely used
- Would provide a platform for the community
- There is an increased number of young families in the area
- School is essential for the Jewish community
- School would be on a direct bus route
- Most pupils will walk to the school as it will be local to them
- Considerable shortage of decent school places
- Many local parents now drive long distances for the school run. This would enable them to walk to a local school.
- It would be an enormous benefit to the local community.

#### Internal /Other Consultations:

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

Date of Site Notice: 31 March 2011

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

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

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

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

#### Proposal:

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

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

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

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

#### Background

The submitted proposal seeks planning permission to temporarily convert the ground

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

The purpose of creating this accommodation is to form temporary facilities for the Etz Chaim School (Mill Hill Jewish Free School) to occupy in advance of a main school site being developed. This follows on from the announcement made on 6th September 2010, by Michael Gove MP, Secretary of State for Education, that Mill Hill Jewish Primary School (now known as Etz Chaim) to be among the first 16 free schools nationally to be granted permission to progress their application to open a free school in September 2011. Free Schools are all-ability, state-funded schools, set up in response to parental demand. They are publicly-funded independent schools, free from local authority control.

The proposals would allow for this educational facility to be established in time for an opening in September 2011. An application for the permanent school use at the garden centre site to the west of the application property has been submitted and is currently being consulted upon under a separate planning application (ref H/01702/11).

#### Planning Considerations:

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

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

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

#### *Need for School*

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

There is an identified continuing demand for primary school places in the borough. This is set out in Barnet Cabinet meeting and report (dated 6 September 2010) 'Investment Strategy to meet demand for primary school places'. This report concludes that there is an unprecedented demand for primary school places in the borough and between 2004 and 2009 births rose by 18% in the borough. There is not sufficient capacity in Barnets primary schools to meet current and projected demand. The Local Authority has a statutory duty to ensure that there are sufficient primary school places within proximity to each child's home. As well as ensuring school places within the borough, school sites should be located within areas close to demand.

There are 10 voluntary aided Jewish schools in the borough. In 2011, applications for reception classes in these schools was 469, compared with the 411 permanent places that were available. An assessment into the expansion of these existing schools was undertaken. This assessment concluded that there was little capacity to



increase pupil numbers in these locations. The school proposers have investigated potential acquisitions of other sites in Mill Hill area. The proposal allows temporary accommodation for the school to open in September 2011, whilst a permanent site is considered.

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

#### *Principle of the use*

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

In principle the Unitary Development Plan supports the proposals.

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

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

#### *Greenbelt*

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

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

The previous uses in the building are not typically associated with appropriate Green belt functions. The proposed use of part of the ground floor would not result in any greater intensification causing harm to the Green belt than existing or previous uses. The educational use would be for a temporary period of time, to allow the applicants to source a permanent building for the school.

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

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

### *Residential Amenity*

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

### *Highway Issues*

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

The parking standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006 refer to Annex 4 of The London Plan. Parking provision for a D1 use (Non-residential Institution) should be assessed on an individual basis and should take account of the nature of the institution.

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

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

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

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

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

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

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

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

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

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

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

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

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

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

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

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

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

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

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

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities. The proposal would introduce a temporary educational use to the borough whilst a permanent site for the proposed new free school is being considered. The proposals would be in line with wider corporate responsibilities and assist with local authority statutory obligations towards education provision.

#### **5. CONCLUSION**

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

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

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

**REFERENCE:** H/01226/11



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