

LOCATION: Nancy Reuben Primary School, 48 Finchley Lane, London, NW4 1DJ

REFERENCE: H/01372/12

Received: 06 April 2012

Accepted: 25 April 2012

WARD(S): Hendon

Expiry: 20 June 2012

Final Revisions:

APPLICANT: Nancy Reuben Primary School

PROPOSAL: Construction of a part single, part two storey detached building for use as a nursery following demolition of existing nursery.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 50FL-PP-01, 50FL-PP-02 Revision E, 50FL-PP-03 Revision F, Design and Access Statement.

Reason:

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

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 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

4 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). 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.

5 The proposed outdoor classroom area shall be used for teaching purposes only and not as a playground. It should not be used before 8.30am or after 4.30pm Monday-Friday or at any time on Saturday, Sundays or Bank Holidays..

Reason: To safeguard neighbouring residential amenity .

6 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

7 The level of noise emitted from the site 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.

- 8 Before the building hereby permitted is occupied the proposed window(s) in the south elevation facing 3 First Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reason:

To safeguard the privacy and 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, M10, M11, M12, M13, M14, CS1.

Core Strategy (Adoption version) 2012: CS5

Development Management Policies (Adoption version)2012: DM01, DM04, DM13, DM17.

ii) The proposal is acceptable for the following reason(s): - The proposals would provide improved nursery accommodation. The proposals would have an acceptable impact on neighbouring amenity and the character and appearance of the general locality. The proposals would have an acceptable impact on highway and pedestrian safety.

- 2 Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011: 6.1, 7.4, 7.6

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.

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.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, ENV12, M10, M11, M12, M13, M14, CS1.

Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Planning Obligations.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure

that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM04, DM13, DM17.

Relevant Planning History:

Site Address: Nursery Building To Rear Of, Nancy Reuben Primary School, 48-50 Finchley Lane, London, NW4 1DJ
Application Number: H/02337/10
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 02/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed new pitched roof with dormer windows at side and front to create 2 additional classrooms. Part ground floor front extension.**
Case Officer: Matthew Corcoran

Site Address: Old Yosef Hal Synagogue, 48-50 Finchley Lane, London, NW4 1DJ
Application Number: H/03286/08
Application Type: Full Application
Decision: Approve with conditions

Decision Date: 18/12/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed gates and railings to the front and part side boundaries. Additional soft landscaping and new entrance lobby.**
Case Officer: Matthew Corcoran

Site Address: 48-50 FINCHLEY LANE, LONDON NW4 1DJ
Application Number: H/00858/09
Application Type: Conditions Application
Decision: Approve
Decision Date: 30/03/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of Conditions 2 (Landscaping - Details) and 5 (Details of Materials for Gates and Railings) pursuant to planning permission reference H/03286/08 dated 15/12/2008.**
Case Officer: Matthew Corcoran

Site Address: Nancy Reuben Primary School, 48 Finchley Lane, London, NW4 1DJ
Application Number: 02394/09
Application Type: Full Application
Decision: Refuse
Decision Date: 01/09/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Formation of first floor over existing single storey building and alterations to the ground floor**
Case Officer: Matthew Corcoran

Site Address: 48-50 Finchley Lane Hendon NW4 1JD
Application Number: W02511R/07
Application Type: Full Application
Decision: Refuse
Decision Date: 24/09/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension and formation of new first floor to provide additional 4 classrooms.**
Case Officer: Matthew Corcoran

Site Address: OD Yosef Hal Synagogue and School 48-50 Finchley Lane London NW4 1DJ
Application Number: W02511T/07
Application Type: Full Application
Decision: Refuse
Decision Date: 14/12/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed gates and railings to the front area to replace the temporary timber hoarding.**
Case Officer: Matthew Corcoran

Site Address: Od Yosef Hal Synagogue 48-50 Finchley Lane London NW4 1DJ
Application Number: W02511U/08
Application Type: Full Application
Decision: Refuse
Decision Date: 11/04/2008
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed gates and railings to the front and part side boundaries. New entrance lobby.**
Case Officer: Matthew Corcoran

Site Address: OYH School 48-50 Finchley Lane London NW4
Application Number: W02511N/01
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/05/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension and conversion of outbuilding to form two temporary classrooms.**
Case Officer:

Site Address: 48-50 Finchley Lane London NW4
Application Number: W02511P/01
Application Type: Full Application
Decision: Migrated Code
Decision Date: 05/07/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Lower ground, ground and first floor and nursery extensions to relocate existing synagogue, extensions and alterations to existing building to accommodate new primary school and provision of ancillary pool building to rear and 12 parking spaces..**
Case Officer: Lesley Feldman

Consultations and Views Expressed:

Neighbours Consulted: 128 Replies: 5 to date
Neighbours Wishing To Speak 0

Additional consultation has been undertaken and any further comments will be reported to the committee in the addendum to the report.

The objections raised may be summarised as follows:

- Effect on traffic and parking
- Scale and loss of light
- Loss of privacy
- Noise

Internal /Other Consultations:

- Childrens Service - No comments received
- Thames Water Devt Control - Have suggested informatives
- Traffic & Development - No objection
- Environmental Health - No objection subject to conditions.

Date of Site Notice: 03 May 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

Application site relates to the Old Yosef Hal Synagogue and School, located on the south side of Finchley Lane which is mixed in character.

Proposal:

The proposals are for the construction of a part single, part two storey detached building for use as a nursery following demolition of an existing nursery.

The proposed plans have been amended so that there is a 3m set back off the boundary with no.3 First Avenue. The building would be between 6.7m and 7.7m at it's highest point on the side nearest no.3 First Avenue.

Planning Considerations:

Background

The application follows the approval of a similar application for proposed new pitched roof with dormer windows at side and front to create 2 additional classrooms under reference H/02337/10 by the Planning Sub committee in 2010. There has also been a previously refused scheme for a first floor extension adjacent to the boundary with no.3 First Avenue which was refused due to the impact on the occupiers of this property.

The main issues are considered to be:

- *The impact of the proposals on the character and appearance of the general locality and streetscene*
- *The impact the proposals would have on neighbouring amenity*
- *The impact the proposals would have on highway safety*

Policy context

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The impact of the proposals on the character and appearance of the general locality and streetscene

The proposed building would not substantially be visible from Finchley Lane, as the nursery building is located in the rear playground of the school.

The proposed building would be of contemporary appearance. It would be brick to the rear elevation facing 3 First Avenue at ground floor and rendered above. The building would have cedar cladding to the elevation fronting the playground.

It is considered that the proposed building would have an acceptable impact on the character and appearance of the general locality.

The impact the proposals would have on neighbouring amenity

Following discussions with the case officer, the proposed first floor element has been sited 3m from the boundary with no.3 First Avenue

The previously approved scheme was pitched away from the boundary to a height of 5m approximately 1m from the boundary. The proposed scheme would be higher at between 6.7m and 7.7m at its highest point, however this would be sited 3m from the boundary at first floor level. Given this separation it is not considered that the building would harmfully impact neighbouring amenity. No.3 First Avenue has its rear garden running alongside the rear boundary of the site.

No.1 First Avenue is located to the west of the proposed nursery building. The proposed building would have an open classroom area on the side nearest this property. Given the distance of the first floor element away it is not considered that the proposals would appear overbearing or result in harmful overshadowing or loss of light.

An outdoor classroom area is proposed, this would be surrounded by glass balustrade. The agent has advised that::

- The use of the outdoor classroom will very much be weather-dependent and will not be used in inclement weather.
- It should also be noted that the children in question who will be using the outdoor classroom are in Foundation years (i.e. aged 2-5). Such young children are unlikely to have long lessons and will always be taught in small groups with a teacher as per the National Guidelines and OFSTED requirements (dependent on the age group this can be one teacher per 3 pupils or one teacher per 4 pupils).
- The outdoor classroom will also be used as a planting area for young children

with small herb, vegetable and/or flower patches (all in containers).

- Based on the above, the outdoor classroom will be used for approximately 2 hours a day and this will be weather dependent as explained above. The children will at all times be under teacher supervision. The Outdoor classroom will therefore have intermittent use and not be in use continuously.

Conditions would be attached to any grant of permission restricting the use of this area, in order to ensure that surrounding residents are not unduly affected by noise escape.

In order to prevent overlooking to no.3 First Avenue all glazing on the facing elevation would need to be obscure glazed, and a condition could be attached to ensure this.

The impact the proposals would have on highway safety

The applicant has confirmed that the proposals are for improved nursery accommodation and that there would not be any increase in the number of children above that existing.

It is therefore considered that the impact on highway and pedestrian safety would be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in main report.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals would provide additional nursery accommodation within the Borough, whilst not having undue impact on existing residents. 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.

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN:
Lane, London, NW4 1DJ

Nancy Reuben Primary School, 48 Finchley

REFERENCE:

H/01372/12



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