

LOCATION: Land at Pavilion Way, Edgware, HA8 9YA

REFERENCE: 15/07713/FUL **Received:** 16/12/2015
Accepted: 05/01/2016

WARD: Burnt Oak **Expiry:** 05/04/2016

APPLICANT: Galliford Try on behalf of the Education Funding Authority

PROPOSAL:

The construction of two new linked two-storey buildings to provide a 2 form entry primary school (Use Class D1), the retention and refurbishment of the existing pavilion building on the site and associated works, including the formation of new and amended vehicular and pedestrian access from Pavilion Way, the carrying out of associated hard and soft landscape works including to boundary treatments, the provision of refuse and recycling storage facilities, the formation of a new synthetic turf pitch, the erection of new floodlighting and the provision of car parking, drop off and cycle parking facilities.

RECOMMENDATION

Recommendation 1

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 of seeking to secure the following:

- (a) Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (c) Travel Plans
A requirement that the applicant shall enter into a Full School Travel Plan for the proposal which:
 - Contains sufficient information and details to meet the requirements of the Transport for London guidance 'What a school travel plan should contain'.
 - Has a lifespan that runs until the school has all year groups in place.
 - Has a School Travel Plan Champion in place not less than 3 months prior to the first occupation of the school and for the lifespan of the School Travel Plan.
 - Provides details (including a plan) of the scooter storage facilities to be provided at the site.
 - Contains a drop off management plan.

(d) Travel Plan Monitoring

A contribution of £5,000 (index linked) towards the monitoring of the Full School Travel Plan for the development.

(e) Highways works and associated financial contributions

The delivery of the following highways works and financial contributions for highways related matters:

- The provision of new access arrangements for the facility including alterations to existing accesses, new access points and footways and alterations to waiting restrictions to be carried out under Section 278 of the Highways Act 1980 (as amended).
- £10,000 for the provision of signage, school keep clear markings and guard railing.
- £5,000 for feasibility work on a new crossing facility on Deansbrook Road to the west of the proposed school.
- Up to £40,000 towards the provision of new pedestrian crossing facilities on Deansbrook Road (should the feasibility confirm this is appropriate).

(f) Monitoring of the Section 106 Agreement

A contribution of £500 (index linked) towards the monitoring and management of the S106 planning obligations.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1, the Service Director – Development Management and Building Control approve the planning application reference 15/07713/FUL under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director - Development Management and Building Control:

1. Time Limit for Implementation

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.

2. Approved Plans

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

TP(00)01 Rev P2; TP(00)02 Rev P2; TP(00) 03 Rev P4; TP(00) 04 Rev P4; TP(00) 05 Rev P3; TP(10) 01 Rev P4; TP(10) 02 Rev P4; TP(10) 03 Rev P2; TP(10) 04 Rev P2; TP(10) 05 Rev P2; TP(10) 06 Rev P2; TP(10) 07 Rev P2; TP(10) 08 Rev P2; TP(10) 10 Rev P1; TP(11)01 Rev P4; TP(11) 02 Rev P3; TP(11) 03 Rev P3; TP(12) 01 Rev P1; HED.1154.203 Revision C; HED.1154.204 Revision C; HED.1154.205 Revision C; HED.1154.206 Revision C; and HED.1154.207 Revision C

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 application as assessed in accordance with policies in the Barnet Local Plan and London Plan.

3. Materials

Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site and full details of how these will be applied to the building have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is first occupied or brought into use.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 7.4, 7.5 and 7.6 of the London Plan.

4. Drainage

The development hereby permitted shall not commence until a Water Infrastructure and Drainage Strategy, detailing in full all on and off site water infrastructure and 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. The information provided in the Water Infrastructure and Drainage Strategy submitted shall include (but not be limited to) full plans, specifications and other relevant details (as appropriate) of the rainwater capture device to be installed as part of the development and any backflow protection and oil and petrol interceptors to be included in the infrastructure provided. No foul or surface water shall be discharged from the development hereby approved into the public sewer system until the water infrastructure, drainage works and Sustainable Urban Drainage System features identified in the approved Water Infrastructure and Drainage Strategy have been implemented in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

5. Construction Management Plan

Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved Plan. The Construction Management Plan submitted shall include, but not be limited to, the following information:

- Details of the routing of construction vehicles to the site, hours of access,

- access and egress arrangements within the site and security procedures;
- site preparation and construction stages of the development;
- details of provisions to be made for the recycling of materials.
- the provision on site of a storage and delivery area for any plant, site facilities, waste and materials.
- 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;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- noise mitigation measures for all plant and processors;
- details of contractors compound and car parking arrangements;
- details of interim car parking management arrangements for the duration of construction; and
- details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring residential properties and in the interests of highway and pedestrian safety and sustainable waste management in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

6. Levels

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development shall not to commence unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason:

To ensure that the development is carried out at suitable levels in relation to adjoining land and the highway having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of trees and other vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

7. Contaminated Land

Part 1

Before development commences other than for investigative work:

- a) A desktop study shall be carried out which shall include the identification

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

- b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- i. a risk assessment to be undertaken,
 - ii. refinement of the Conceptual Model, and
 - iii. the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies Document (2012), CSNPPF of the Adopted Barnet Core Strategy (2012) and 5.21 of the London Plan.

8. Tree Protective Fencing

Before the development hereby permitted is commenced temporary fencing shall be erected around existing trees at the site which are to be retained in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. The details shall conform with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. This fencing shall remain in position until after the

development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

9. Tree Works

No tree felling or pruning of trees on the site shall be carried out in relation to the development hereby approved until a detailed tree felling and pruning specification has been submitted to and approved in writing by the Local Planning Authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policies DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

10. Services in Relation to Trees

Prior to commencement of the works to implement the proposed site drainage and buried services installations associated with the development hereby approved, details of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained shall be submitted and approved by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Barnet Local Plan 2012 and policy 7.21 of the London Plan 2011.

11. Landscaping

Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the commencement of the development a detailed Scheme of Hard and Soft Landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The detailed Scheme of Hard and Soft Landscaping submitted shall include but not be limited to the following:

- The position of any existing trees to be retained and removed.
- All new tree, hedge, shrub and green roof planting proposed, including details of species, plant sizes and planting densities.
- The means of planting, staking and tying of trees, including tree guards.
- A detailed landscape maintenance schedule for regular pruning, watering and the use of fertiliser.
- Existing land contours, such as earth mounding, any proposed alterations to these and the contouring of new landscaped areas.
- Areas of hard landscape works including samples of the proposed materials.
- Details of all techniques to be used to provide conditions appropriate for new plantings.
- The timing of all planting.

Reason:

To ensure a satisfactory design and appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02, DM03, DM04 and DM16 of the Barnet Local Plan.

12. Landscaping

The development hereby approved shall be implemented in full accordance with the details shown in the approved Scheme of Hard and Soft Landscaping, submitted under condition 11 of this permission, before the first occupation of any part of the development.

Reason:

To ensure a satisfactory design and appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02, DM03, DM04 and DM16 of the Barnet Local Plan.

13. Landscaping

Any trees, hedges, shrubs or grass planted or retained as part of the approved Scheme of Hard and Soft Landscaping (submitted under condition 11) which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees, shrubs or other planting of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory design and appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02, DM03, DM04 and DM16 of the Barnet Local Plan.

14. Biodiversity Mitigation

Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be carried out and put in place to ensure that the clearance of the site and construction of the development hereby approved is compliant with development plan policy and legislation on the protection of breeding birds, bats, hedgehogs and invertebrates shall be submitted the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the scheme of measures approved under this condition.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to the protection of biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

15. Biodiversity Enhancement

Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as developed shall be submitted the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to birds, bats, hedgehogs and invertebrates. The

approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

16. Carbon Dioxide Emissions and Renewable Energy Technology

Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) hereby approved an Energy Strategy detailing in full the measures that the scheme will incorporate to comply with the objectives of development plan policies on climate change mitigation, reducing carbon dioxide emissions and the use of on-site renewable energy technologies shall have been submitted to and approved in writing by the Local Planning Authority. The Energy Strategy submitted under this condition shall include full details:

- To demonstrate how the development would achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the 2013 Building Regulations.

- Of the on-site renewable energy technologies that would be implemented as part of the scheme and the carbon dioxide emission reductions that these technologies would achieve.

The development shall be implemented in accordance with the details identified in the approved Energy Strategy in full prior to the first occupation of the development.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2, 5.3 and 5.7 of the London Plan.

17. BREEAM 'Very Good' Standard

The development hereby approved shall be constructed to achieve not less than a standard of 'Very Good' when assessed against a suitable and up to date (not prior to 2014) scheme under the Building Research Establishment Environmental Assessment Method (BREEAM) measure of sustainability for development. The development shall not be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Very Good' has been achieved (under the relevant BREEAM methodology) and this certification has been submitted to the Local Planning Authority.

Reason:

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

18. Water Efficiency

The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

19. Water Supply

The development hereby approved shall have 100% of the water supplied to it provided by the mains water infrastructure through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

20. Refuse Storage and Collection

Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied details of the:

i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;

ii. satisfactory points for refuse and recycling collection; and

iii. details of the refuse and recycling collection arrangements

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details in perpetuity.

Reason:

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

21. Parking

Before the development hereby permitted is occupied or brought into use the 29 car parking spaces and parking facilities (including the drop off and pick up area) shown on approved plan number HED.1154.203 Revision C shall be provided at the site in full. These parking spaces and parking facilities shall remain in place in perpetuity and shall not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

To ensure that the free flow of traffic and highway and pedestrian safety are not prejudiced in accordance with Barnet Local Plan Policies CS9 and DM17.

22. Cycle Parking

Facilities for the parking of cycles (not less than 84 cycles) and scooters (not less than 34 scooters) shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing prior to the development hereby permitted being brought into use.

Reason:

In the interests of promoting sustainable modes of transport in accordance with policies CS9 and DM17 of the Barnet Local Plan and policy 6.13 of the London Plan.

23. Delivery and Servicing Plan

Before the development hereby permitted is occupied a full Delivery and Servicing Plan (DSP) providing details of the delivery and servicing arrangements for the school shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in full accordance with the DSP as approved in perpetuity.

Reason:

In the interest of highway safety in accordance with policies CS9 and DM17 of the Barnet Local Plan.

24. Hours of Use

The development hereby permitted shall only be occupied or in use by pupils and visiting members of the public between the hours of 7.00am and 7.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday; between the hours of 9.00am and 6.00pm on a Saturday, Sunday or any Bank Holiday; or in accordance with other times previously specified in and agreed by the Local Planning Authority as part of the Community Use Agreement submitted under condition 25 of this consent.

Reason:

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

25. Community Use Agreement

Prior to occupation of the school hereby permitted a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the community facilities provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-school users and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement.

Reason:

To secure well managed access and appropriate availability to the community facilities provided by the scheme in accordance with policy CS10 of the Barnet Local Plan.

26. New Pitches

Prior to the first occupation of the development hereby approved the new All Weather Pitch (Synthetic Turf Pitch) and Grass Pitch shown in the proposed plans hereby approved shall be provided at the site and marked out in accordance with details that have been previously submitted to the Local Planning Authority and approved in writing.

Reason:

To ensure sufficient benefit to the development of sport in accordance with policies CS7, CS10 And DM15 of the Barnet Local Plan and policy 3.19 of the London Plan.

27. Floodlighting

The school hereby approved shall not be occupied or brought into use until floodlighting for the new Synthetic Turf Pitch proposed has been erected at the site in full accordance with details that have previously been submitted to the Local Planning Authority and approved in writing. The details submitted in respect of this condition shall include scaled plans and sufficient information to demonstrate that the proposal would not result in unacceptable impacts in terms of light spillage, harm to the amenities of neighbouring occupiers and biodiversity.

Reason:

To ensure that the flood lighting is delivered and that it does not result in unacceptable impacts in terms of light spillage, the amenities of neighbouring occupiers and biodiversity in accordance with policy DM01 of the Barnet Local Plan.

28. Means of enclosure

Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development hereby approved and be permanently retained as such thereafter.

Reason:

To ensure that the development provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 7.4 and 7.6 of the London Plan.

29. Secured by Design

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.

30. Accessibility

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, before the development commences (other than for Groundworks and Site Preparation Works) details of the measures to be included within the scheme to ensure that the facilities proposed are accessible to all members of the community shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the occupation of the office space hereby approved.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policy 7.2 of the London Plan and policy DM01 of the Barnet Local Plan.

31. Hours of Construction

No construction work in relation to the development hereby approved 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

32. Acoustic Fencing

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

b) Acoustic walls, fencing and other acoustic barriers shall be erected at the site in their entirety in full accordance with the details approved under this condition prior to the commencement of the use or occupation of the development and be permanently retained as such thereafter.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the neighbouring occupiers of their homes in accordance with Policy DM04 of the Barnet Local Plan and Policy 7.15 of the London Plan.

33. Extraction and Ventilation Equipment

Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) on site details of all extraction and ventilation equipment to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. Extraction and ventilation equipment shall be installed at the site in full accordance with the details approved under this condition before the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of the occupiers neighbouring residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

34. Noise from Plant

The level of noise emitted from any plant installed as part of the development 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 amenities of the occupiers of the neighbouring properties are protected from noise in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

35. Air Pollution Mitigation

Prior to the commencement of the development hereby permitted (other than for Groundworks and Site Preparation Works) a Scheme of Air Pollution Mitigation Measures to be provided in the development to protect the amenities of future occupiers and users of the development shall have been submitted to the Local Planning Authority and approved in writing. The approved Scheme of Air Pollution Mitigation Measures shall be implemented in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future users of the facility are protected from poor air quality conditions in accordance with policy DM04 of the Barnet Local Plan and policies 5.3 and 7.14 of the London Plan.

36. Total Number of Pupils

At no time shall the total number of pupils in the school hereby approved exceed 420.

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 in the Barnet Local Plan and London Plan.

37. Removal of Permitted Development Rights

Notwithstanding the provisions of Part 7, Classes M and N to schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order) no extensions or alterations to the development hereby permitted shall be carried out without express planning permission first being obtained.

Reason:

To enable the local planning authority to retain control over the development in the interests of controlling the intensity of the use and safeguarding the amenities of the locality in accordance with policy DM01 of the Barnet Local

Plan.

38. Details to be Submitted Concurrently

Details submitted pursuant to Conditions numbers 6, 8, 9, 10 and 11 imposed by this Planning Permission shall be submitted at the same time.

Reason:

To enable the proper consideration of matters relating to site levels, trees, drainage, protective fencing and landscaping in accordance with policies DM01, DM04, DM16 and DM17 of the Barnet Local Plan.

39. Use of Floodlighting

The floodlighting hereby permitted shall only be used (switched on) between the hours of 7.00am and 7.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday; between the hours of 9.00am and 6.00pm on a Saturday, Sunday or any Bank Holiday; or in accordance with other times previously specified in and agreed by the Local Planning Authority as part of the Community Use Agreement submitted under condition 25 of this consent.

Reason:

To protect the amenities of occupiers of neighbouring residential properties and biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan.

Informatives

It is recommended that the following informatives be included on the decision notice in respect of this application:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant where necessary during the application process to allow a recommendation to grant planning permission to be made. In this case, formal pre-application advice was sought prior to submission of the application.
2. For the purposes of this decision notice 'Groundworks and Site Preparation Works' are defined as and limited to the following works:
 - Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
 - Removal of existing and surplus rubble from the site.
 - Removal of services on the site including service trenches.
 - Carrying out CAT scans on site to confirm all existing services are clear.
 - The erection or re-establishment of a hoarding line for the construction site.
 - Providing piling matting.
 - Providing clear health and safety information on the site.
 - Piling works.
 - Substructure and underground drainage works.

3. The applicant is advised that any alteration to the public highway (if necessary) will require prior consent of the local highways authority. The costs of any associated works to the public highway, including any fees or costs associated with a legal agreement, will be borne by the applicant. The applicant may also be required to enter into a Section 184 or 278 Agreement under the Highways Act 1980 for proposed works on the public highway. An estimate for this work may be obtained from the Traffic and Development Team, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP.
4. Please be advised that Deansbrook Road is part of a Traffic Sensitive Route from 8.00am to 9.30am and 4.30pm to 6.30pm Monday to Friday.
5. Before commencing construction works adjacent to the public highways, the applicant must obtain any necessary Highways Licenses. These can be sought by calling 0208 359 2000.
6. In accordance with Transport for London's recommendations adequate shower and changing facilities should be provided for cyclists on site.
7. All works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in legislation covering the protection of certain species and habitats, including the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the any such legislation may result in a criminal prosecution.
8. With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
9. Thames Water have advised that there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

10. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
11. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) and National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that consultants should refer to the most relevant and up to date guidance and codes of practice if they are not already in the above list.
12. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

1. MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

The London Plan

The London Plan (March 2015) is the development plan in terms of strategic planning policy. The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: The Multi Functional Network of Green and Open Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.16 (Protection and Enhancement of Social Infrastructure); 3.18 (Education Facilities); and 3.19 (Sports Facilities)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4 (Retrofitting); 5.4A (Electricity and Gas Supply); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Lifetime Neighbourhoods); 7.2 (An Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy. The relevant documents comprise the Core Strategy and the Development Management Policies documents (both adopted in September 2012). The Local Plan development plan policies of most relevance to the determination of this application are:

Barnet Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive and integrated community facilities and uses)
CS11 (Improving health and well being in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Barnet Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM06 (Barnet's Heritage and Conservation)
DM13 (Community and education uses)
DM15 (Green belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction (April 2013)
Residential Design Guidance (April 2013)
Planning Obligations (April 2013)

Strategic Supplementary Planning Documents and Guidance:

Planning for Equality and Diversity in London (2007)
All London Green Grid (2012)
London's Foundations (2012)
Shaping Neighbourhoods: Play and Informal Recreation (2012)
Character and Context (2014)
Sustainable Design and Construction (2014)
Accessible London: Achieving an Inclusive Environment (2014)
Social Infrastructure (2015)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This document was published in March 2012 and it is a key part of reforms by national government to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

Relevant Planning History

Former LTE Sportsground, Deansbrook Road, Edgware:

W01591A 'Residential development at 85 habitable rooms per acre (209 h.r.h) on 7.90 acres (3.21 hectares) and use of 3.30 acres (1.34 hectares) as sports field with changing rooms and car parking (outline); and including full details of 2, three-storey blocks of bedsits and flats, and 10, two-storey houses as show premises, together with car parking and landscaping' Granted subject to conditions (1986).

Land at Pavilion Way, Edgware, HA8 9YA:

15/02616/FUL 'Installation of a temporary (for a period of up to three years) school modular building (use class D1) of 230 sqm (GEA) for up to 60 pupils and associated facilities and works including the formation of new tarmac pedestrian access and bin store area; repair works to surface treatment of existing parking and hard court area; laying of artificial grass surface to part of hard court for informal play; the provision of refuse and recycling storage facilities; use of existing vehicular access and the provision of parking for 16 cars, cycles and scooters; repairs to existing fencing; erection of new fencing; and the making of various alterations to the hard and soft landscaping of the site' Granted subject to conditions (2015).

Consultation and Views Expressed

Public Consultation

A total of 837 local properties and other bodies were consulted on the application by letter and email in January 2016. The application was also advertised on site and in the local press at that time. Following the provision of additional and revised information a further round of consultation (including letters, emails and site and press notices) was carried out in March 2016. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

Number of Responses from Residents

At the time of the preparation of this report **no** responses from residents objecting to the proposal had been received (other than from Mr Dismore AM, whose response is summarised separately below). **No** responses supporting the proposal were received.

Should any comments be received on the application following the publication of this committee report these will be reported separately in an addendum to the report.

Consultation Responses from Elected Members

Mr Andrew Dismore AM:

Has **objected** to the application (as a local leaseholder and elected member) and **requested to speak at planning committee.**

The objections raised by Mr Dismore can be summarised as follows:

- The land to which the application applies is part of a larger site, which also comprises a full size football pitch.
- The site and wider area was transferred to the Council as part of an agreement to develop homes on the Pavilion Way estate. This whole area was subject to a covenant which stated that the pitch and pavilion should be used for sports for local people.
- The site has been neglected but is still in substantial use. Local people cleared the land to train for and play football.
- The local community worked with sports bodies to develop an outline plan to bring the facility into full repair. The plan showed they needed a sufficiently long lease to secure the investment available, but the Council refused to grant this lease.
- The Council attempted to plan a scheme to build a free school and block of flats on the whole site, but that fell through.
- The application which was granted in May last year for a portacabin school on the all weather surface was a 'Trojan Horse' precursor for the current application, including the development on the grassed football pitch for a permanent school structure. This permanent facility is what was originally intended by the Council, as set out in the report to the Assets Regeneration and Growth Committee, which did not fairly represent local objections to the scheme and the removal of the covenant.
- The sports facilities which will be lost through the proposal are badly needed. This is the only full size pitch and all weather surface in this deprived area.
- Whilst the application refers to the need for school places, this school is in the wrong location for the expected population growth in the borough. It would make more sense for it to be provided on land in the regeneration scheme for Grahame Park, the developments in Colindale or in West Hendon.
- The proposal would be contrary to planning policies on parking, highway and pedestrian safety, the free flow of traffic and conflicting highway movements.
- At peak hours, which coincide with school hours, Deansbrook Road is heavily congested. This congestion makes it difficult to emerge from Pavilion Way onto Deansbrook Road. It also relies on other vehicles giving way to allow access to Pavilion Way for eastbound vehicles. This scheme will contribute further to congestion as extra backed up right turn school traffic into Pavilion Way will extend the existing tailbacks.
- As the school place demand is in Colindale and West Hendon it is inevitable that there will be a significant increase in vehicular traffic bringing children to school on both Deansbrook Road and other roads in the local road network, with consequent increased congestion, including on Pavilion Way itself.
- 'Drop off' traffic will lead to Pavilion Way being blocked, as the road is a narrow one with no space for stopping traffic without holding up traffic flows. This additional traffic will add to the existing congestion for current vehicles in Pavilion Way at peak times.
- The schemes highways impacts will get worse as the school expands to its full intake across the year groups.
- The proposed pick up/drop off arrangements are woefully inadequate. This additional traffic will also add to congestion for vehicles existing Pavilion Way at peak times, which is already difficult.

- The proposal will create additional traffic that will increase road safety issues on the local road network.
- Pavilion Way does not have a footpath on the west side of the road and children will need to cross the road to access the school on what is a partially blind corner for traffic travelling north on Pavilion Way.
- The proposal includes insufficient parking and will increase parking pressure on local roads to the detriment of residents.
- The site falls within a public open space deficiency area and the proposal is contrary to development plan policies as it would result in a net loss of sports and recreational facilities and open space.
- Local children regularly use the site for football, having cleared the land themselves to do so, and the Council's signs on the land give licence to people to use the site for recreation. The covenant on the land cannot be overlooked. The land is designated for sports use by the covenant for the benefit of local people and should remain so. The land is also used informally as open space by walkers and those exercising their dogs.
- The community use proposals put forward are no substitute for the existing football pitch. They are heavily constrained, restricted to out of school hours, and are not available for informal use.
- The scheme provides no corresponding replacement of sports use or open space and the scheme is thus in breach of policies in the London plan and the Council's Core Strategy (as there is a net loss of both categories of land).
- Sport England are objecting due to the loss of playing field and built sports provision (as contrary to paragraph 74 of the NPPF) and Mr Dismore objects on the same grounds as those set out in their previous objection.
- The application is contrary to planning policies which resist the loss of community uses.
- The submitted ecology survey is woefully inadequate and has not been updated since the application for a temporary school last year. Even so, this report does not give carte blanche to the development as it refers to breeding and nesting birds, and the potential presence of many other protected species.
- The ecology of the all weather surface area cannot be separated from that of the wider area, including the grassed area to the north and the tree cover boundary of that land on each of its boundaries.
- The report makes it clear that clearance work should not take place between the bird breeding months of March and September and if the scheme is approved it should be subject to a planning condition accordingly.
- The tree survey does not take account of the impact on the wider site, which it should do.
- The archaeological survey is only desk based. It is clear from the report that there is potential archaeology on the site given what has been found not far away, and this should be properly investigated on site by test pit excavation.

The comments made by Mr Dismore are responded to in the relevant sections of the report below.

Consultation Responses from Statutory Consultees and Other Bodies

Sport England:

Have responded to the consultation and **objected** to the application. Sport England has provided the following comments:

“The proposal is for the construction of a Free School with associated sports facilities on land last used as a playing field. The following advice was given to the applicant by Sport England on the 10th April 2015:

“Given the lapse in time since the site was last used as playing field (more than five years) Sport England would not be a statutory consultee under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184).

Notwithstanding that, the last know use of the site was playing field and therefore, were Sport England to be consulted, it would assess any development against paragraph 74 of the National Planning Policy Framework. The local planning authority would be required to do likewise.

In doing so, the application would be treated as a loss of playing field irrespective of when it was last used. This approach has been tested at appeal where PINS held that para 74 was not time limited. The that appeal (ref APP/U4610/A/12/2176169) the Planning Inspector considered what constitutes a playing field and whether there would be a requirements of replace this playing field under the provisions of Para 74. In that case, it was held that:

“...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...”

“There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.”

“There is no definition of the word ‘existing’ in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use.”

In light of the above, it might be worth considering first submitting an “Application for a Lawful Development Certificate for an Existing use” to establish a ‘nil use. or the site of you consider that the former use has since been abandoned. If a nil use were established through this process, Sport England would accept that position. However in the absence of that, it is likely that Sport England would conclude that the development is contrary to para 74 of the NPPF.” (Sport England 10th April 2015)

No Application for a Lawful Development Certificate for an Existing Use has been submitted and Sport England has assessed the application against the requirements of paragraph 74 of NPPF.

Is the Site Surplus to Requirement?

Paragraph 74(i) of NPPF requires:

“An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements”

The applicant has submitted a document entitled ‘Open Space and Sports Provision Assessment’ but this does not contain the necessary information and analysis that clearly shows the site is required to meet an identified existing or predicted future need arising from the local community. Instead reference is made to the out of date Open Space Assessment (2009). The Assessment is considered out of date and no longer robust, as required by paragraph 73 of NPPF, because it is more than 5 years old and the baseline data has not been updated during that time. Without an up to date assessment of need it is impossible to say what the current demand and supply of pitches and outdoor sport is. I am aware the Council began work on a Playing Pitch Strategy 6 months ago but I am not aware of its status. The applicant is advised to liaise with the Council to see if the site has been included as a disused site and if an assessment has been undertaken to determine whether the site is required to be brought back into use to meet an identified need or if it has been identified as one that can be developed for other non-pitch sport uses.

If there is no evidence the site is surplus to requirements then paragraph 74(ii) or 74(iii) should be applied.

Does the proposal include provision to replace the playing field?

Paragraph 74(ii) of NPPF requires:

“The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”

The application does not provide a proposal to replace the quantity of playing field (6,319sqm) and the quality (senior football pitch and 3 tennis courts). The proposal results in the overall loss of 3,454sqm of playing field which is almost half of the total site area.

The proposal involves enlarging the 3 tennis courts to form a floodlit Multi Use Games Area (60m x 40m) with a tarmac surface, refurbishment of the existing pavilion and creation of a small grass football pitch (30.5m x 15.25m). Neither the MUGA nor the football pitch are standard sizes and cannot be used for formal sport. It is acknowledged that there may be the opportunity for some

informal training use. Although the willingness to allow community use of both the MUGA and pavilion is welcomed this is not sufficient to mitigate the loss of the playing field, especially given there is no evidence the site is surplus to requirements. The MUGA may meet the PE curriculum requirements of the school but there is no evidence any consultation has been carried out with local sports teams, the Council's Sports Development Team or the national governing bodies of sport to ensure the replacement sports facilities are the right type, size and surface to meet demand in the area.

Does the proposal provide sports facility the benefits of which outweigh the loss of playing field?

Paragraph 74(iii) of NPPF requires:

“The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

Given the proposal is primarily for a school with some replacement sports facilities this exception does not apply because the development is not for an alternative sports and recreation provision.

Conclusion

Sport England considers that the application conflicts with Sport England's Objective 1(Protect) and the requirements of paragraph 74 of NPPF.

In light of the above and the lack of evidence of any exceptional circumstances Sport England objects to the application.”

A response to the comments made by Sport England is provided in the report below.

Metropolitan Police Service:

Have responded to the application and have not raised any objections to the proposal. The Metropolitan Police Service has suggested that they would expect any such development to adhere to 'Secure by Design' principles for new schools. A condition requiring the scheme to meet this standard (Secured by Design for New Schools 2014) has been included in those recommended.

London Fire and Emergency Planning Authority:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent that is granted.

Highways England:

Have responded to the consultation and have not raised any objection to the proposal.

Natural England:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent that is granted.

Environment Agency:

Have responded and have not raised any objections to the application or requested that conditions are placed on any consent granted.

Historic England (Archaeology):

Have responded and have not raised any objections to the application or requested that conditions are placed on any consent granted. Historic England conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

Thames Water:

Have responded to the consultation and not raised any objections to the proposal. Thames Water have specifically stated that with regard to sewage infrastructure capacity they would not have any objection to the proposal. Thames Water have also requested that the scheme incorporate oil pollution mitigation measures. The conditions recommended would ensure the implementation of suitable features in this respect. In addition to these points Thames Water have made a number of comments in respect of sewers in the area, ground water discharges and surface water drainage matters. Informatives on these matters have been included in those recommended.

Internal Consultation Responses**Traffic and Development Team:**

The Traffic and Development Team response is set out in greater detail in the report below. In summary, they have confirmed that subject to the imposition of suitable conditions and planning obligations they have no objections to the development and find the proposal to be acceptable in respect of traffic, parking and highways related matters.

Education and Skills Service:

Education and Skills Service have confirmed their support for the application. They have also identified that the school is needed to meet demand for school places in the local area. It is understood that without the facility proposed in this application the local authority would be short of 2 forms of entry within this area.

Environmental Health Service:

The Environmental Health Service response is included in greater detail in the relevant sections of the report below. In summary, they raise no objections to the application subject to the imposition of suitable conditions in respect of noise, air quality, light pollution and contaminated land matters.

Lead Local Flood Authority:

The Lead Local Flood Authority find that conditional approval can be granted. They have suggested that further justification should be provided for the Sustainable Urban Drainage approach proposed. Since receipt of this comment the scheme has been amended to include rainwater capture for irrigation. As amended the scheme is found to be acceptable for the reasons discussed in subsequent sections of the report.

Description of Proposed Development

The application seeks full planning permission for the construction of two linked two storey buildings, the retention and refurbishment of the existing pavilion building on the site and the carrying out of various associated works to provide a permanent 2 form entry primary school (Use Class D1).

The key elements of the proposed works include the:

- Construction of two new linked two-storey buildings to provide a 2 form entry primary school (Use Class D1) with 2050 square metres of floorspace (gross internal area).
- Retention and refurbishment of the existing pavilion building on the site to provide changing rooms and ancillary office and storage space.
- Formation of a new synthetic turf pitch covering an area of 2400m².
- Erection of new floodlighting for the synthetic turf pitch.
- Formation of on-site parking for 29 cars (accessed from points on Pavilion Way).
- Provision of facilities for parking 84 cycles and 34 scooters.
- Creation of a drop off and pick up area accessed from Pavilion Way.
- Provision of refuse and recycling storage facilities.
- Introduction of new areas of footway along the west side of Pavilion Way.
- Carrying out of hard and soft landscaping works across the site including the provision of a new grassed pitch covering an area of 465m².
- Erection of various types of new fencing and other means of enclosure.

A plan showing the layout of the proposed development is provided at Appendix 1 of this report.

The proposed school would have capacity for 420 primary school aged children and 45 (full time equivalent) staff. The main school building proposed is located on the north-eastern part of the site, fronting onto Pavilion Way. The synthetic turf pitch would be located to the south of this. The new grass pitch would be within the space to the west of the main school building. The site would be accessed by pedestrians and vehicles (3 points of vehicular access) from the east, using Pavilion Way.

The main school building is two storeys in height and comprises two blocks, predominantly finished in a cladding system, linked by a two storey, mainly glazed, structure. The northernmost block (closest to Deansbrook Road) is broadly rectangular in plan and has maximum dimensions of 17.5m wide, 21m deep and 7.8m in height. This building would contain a double storey height hall space.

The more southern block (closest to the new synthetic turf pitch) is also broadly rectangular in plan, although it is much more linear. This block has maximum dimensions of 62.4m wide, 14.2m deep and 8.2m in height and would contain the main teaching spaces in the facility. The main play areas for the new primary school would be situated immediately to the west of the linked buildings.

The new synthetic turf pitch would be provided with floodlighting, cover approximately 2400m² and be suitable for tennis (full and mini courts), football (5 a side and training), basketball, netball, hockey (although not at a Sport England

Standard sized pitch) and rugby training usage. Users of this pitch would have access to changing facilities within the existing (refurbished) pavilion building in the south-east corner of the site. The floodlighting shown in the submission comprises luminaires mounted on 6 columns measuring approximately 10m in height (however full details of the floodlighting would be controlled through the conditions recommended). The new grass pitch proposed would not be of standard sized, but is currently envisaged as being used for football purposes.

The area of the site to the south of the new synthetic turf pitch and to the west of the refurbished pavilion building would provide 25 car parking spaces, including 2 disabled standard spaces, accessed from a point on Pavilion Way. 4 further disabled standard spaces would be provided in the area between the main building and the new synthetic turf pitch, accessed from Pavilion Way. The drop off and pick up facility proposed would be located on the easternmost part of the site, north of the new synthetic turf pitch.

The submission identifies that it would be necessary to remove 97 trees from the site to deliver the facilities proposed. 42 of the trees to be removed are covered by a Tree Preservation Order. All of the trees proposed for removal (both those covered by a preservation order and not covered) are Category C trees (using the chart on tree quality assessment found in the BS5837:2012). 74 trees would be retained on the site, including 34 which are covered by a Tree Preservation Order. The proposal also seeks consent for the creation of new areas of hard and soft landscaping, including the planting of new trees.

It is noted that comments have been received that the temporary school facility granted planning permission on part of the site last year was a precursor to the current proposal. Comments have also been made in relation to previous proposals for the site which did not come to fruition. While these points are fully acknowledged officers take the view that this application must be considered on the basis applied for in light of all relevant material planning considerations. It would not be appropriate or reasonable to require this application to evaluate historic proposals or different proposals which may or may not come forward in due course.

Description of Site and Surrounding Area

The application site comprises a broadly rectangular area of land, covering approximately 1.2044 hectares in size, situated on the west side of Pavilion Way in the Burnt Oak Ward. The site is bounded by Deansbrook Road (A5109) to the north, residential dwellings (including Wicket Court) to the south, a railway line (Northern Line) to the west and Pavilion Way to the east.

The site currently contains a mixture of surfaces, including an all weather playing surface and a parking area (hardstanding) on its more southern part, hard surfaced access routes and soft landscaped areas. The soft landscaped areas include a number of trees and a grassed playing field on the more northern part of the site.

A temporary school facility is presently located, in a modular building, on the all weather playing surface at the site. This development was approved last year under

application reference 15/02616/FUL. The site also contains a dilapidated changing pavilion building in its south-eastern corner.

The use of the site is discussed in detail in subsequent sections of this report. Notwithstanding the temporary consent given on part of the site last year (for a period of up to three years), for a school and associated facilities, the lawful use of the land is considered to be as a playing field with ancillary facilities (such as parking). It is understood that the playing field and ancillary facilities at this site comprised an all weather playing surface covering approximately 1770m² previously used as 3 tennis courts, a grassed playing field covering approximately 4550m² previously used as a football pitch (up to a senior standard) and a pavilion building. These were delivered as part of a wider consent which included new dwellings on land adjoining Deansbrook Road.

A group of trees along the south-western boundary of the site are covered by a Group Tree Preservation Order (reference TRE/HE/51). Land to the east of the site (east of Hutton Row and Compton Close) has been designated a Conservation Area. Historic England (Greater London Archaeological Advisory Service) has confirmed that the site does not fall within an archaeological priority area.

Referral to Secretary of State

The Town and Country Planning (Consultation) (England) Direction 2009 sets out when a Local Planning Authority in England is required to consult the Secretary of State before granting planning permission for certain types of development.

The Direction applies to any application for planning permission which:

- (a) is for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development; and
- (b) is received by a planning authority on or after 20 April 2009.

Paragraph 7 of the Order states that for the purposes of the Direction, “playing field development” means development of a description where –

- (a) the land (or any part of the land) which is the subject of the application –
 - (i) is land of a local authority; or
 - (ii) is currently used by an educational institution as a playing field; or
 - (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; and
- (b) the English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –
 - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
 - (ii) that the proposed development would result in such a deficiency; or
 - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be

provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

Assessment

Sport England has provided comments on the application and confirmed that they formally object to the development proposed (for the reasons detailed in previous sections of this report). In their response Sport England have noted that they are not a statutory consultee to this application under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (the Order).

The land to which the application relates is presently owned by the Local Authority. However, it is considered that the application does not fall within the remit of Paragraph 7(b) of the Town and Country Planning (Consultation) (England) Direction 2009. This is because Sport England has not responded to a consultation on the application made specifically pursuant to a request under the Town and Country Planning (Development Management Procedure) (England) Order. Instead they have responded to the consultation on the application in the way that any party who considers that they have an interest in any application might do.

Therefore while Sport England object to the proposal, and the Local Planning Authority has taken careful account of their comments, the current application is not required to be referred to the Department for Communities and Local Government to enable the Secretary of State to decide whether or not they wish to call the application in for determination.

2. PLANNING APPRAISAL

Principle of the proposed development

As previous sections of this report have identified the application site comprises open space and ancillary facilities, the lawful use of which is considered to be as a playing field. The consent granted last year (application reference 15/02616/FUL) for a school and associated facilities on part of the site has been implemented and is fully acknowledged. However, this permission was for a temporary period only (up to 3 years) and so only limited weight is placed upon it in the evaluation of the current application.

The thrust of national, regional and local planning policy is to resist the loss of open space and playing fields unless it can be demonstrated that they are surplus to requirements or equivalent or better provision can be made within the area. In this instance the clear and strong protection given by planning policies to playing fields, sporting facilities and open space needs to be considered carefully alongside the significant support given by national planning guidance to the provision of new state funded schools. These matters are therefore explored further below.

Principle of an educational use at the site

The Department for Communities and Local Government has published two documents which are of significance in the determination of planning applications for educational facilities such as this:

- Policy Statement - Planning for Schools Development (August 2011)
- National Planning Policy Framework (March 2012)

Each of these documents gives strong support to the provision of new, state funded educational facilities (such as the one proposed) and they go as far as creating a presumption in favour of educational development.

The National Planning Policy Framework states at section 72 that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

It goes on to identify that planning authorities should:

“only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area”

The policy statement ‘Planning Schools Development’ should be given weight in the making of planning decisions on relevant applications (such as this). It states that:

“The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state funded schools”

It then identifies that:

‘There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework’.

It is clear that national policy is strongly in favour of providing state funded schools, and this is a material consideration in the determination of this planning application.

In principle Barnet’s Local Plan policies are generally supportive of new school development proposals. The Council as the Local Education Authority (LEA) has a statutory duty to provide primary and secondary school places for children aged from 5 to 16 years. In order to meet the educational needs of Barnet’s growing population the Council will seek to ensure that there is an adequate provision of education facilities in the borough and supports proposals for education facilities which will help meet an identified need.

Barnet Core Strategy policy CS10 identifies that the Council will work with its partners to ensure that schools and facilities for older and younger people are provided for Barnet’s communities. It also promotes the role of schools as

community hubs. The policy goes on to state that in addressing educational needs in Barnet the Council will support proposals for parent promoted or free schools that:

- Conform with Department for Education guidance on becoming a new school; and
- Meet parental demand for school places; and
- Provide educational facilities that conform with basic school requirements as set out in relevant Department for Education guidance.

Policy DM13 of the Barnet Development Management Policies document identifies that new education and community uses:

- Should be located where they are accessible by public transport, walking and cycling, preferably in town centres.
- Should ensure that there are no significant impacts on the free flow of traffic and road safety.
- Will be expected to protect the amenity of residential properties.

This policy also states that the loss of community or educational uses will only be acceptable in exceptional circumstances where:

- New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

The Council's Education and Skills Service have confirmed their support for the application. They have also identified that the school is needed to meet demand for school places in the local area. It is understood that without the facility proposed in this application the local authority would be short of 2 forms of entry within this area of the borough.

It is recognised that concerns have been expressed that a new school would be more appropriately situated in one of the Council's growth areas to meet the demand for school places being generated. However, on the basis of the above information it is accepted that there is a clear local need for the places this school would provide.

The submission confirms that the facilities provided by the school have been developed through engagement with representatives of the Education Funding Agency and that the new school would meet the requirements of the Department for Education Building Bulletin 103 Area Guidelines for mainstream Schools.

In accordance with the objectives of policy CS10 it has been agreed that the new school and related facilities, including the synthetic turf pitch, would be available for the wider community outside of the hours of school use. Delivery of this would be ensured through the conditions recommended. This wider community benefit is considered to be a material planning consideration which weighs in support of the proposal.

It is concluded that there is a clear local need for the places which this school would deliver and that, having considered the relevant elements of planning policy and guidance, the principle of developing the site for an educational use is acceptable and compliant with development plan policies, subject to the need for careful

consideration of the proposal against planning policies on the protection of community facilities, open space, sporting facilities and playing fields. These points are therefore evaluated below.

Matters relating to the acceptability of the school in respect of accessibility, impacts on the flow of traffic and road safety, the protection of the amenity of residential properties, biodiversity impacts and design and character matters are addressed in detail in subsequent sections of this report. However, the proposal is considered to be acceptable and compliant with policies in all these regards.

It is noted that objections have been raised that the development would result in the loss of community facilities. Viewing the existing facilities at the site specifically as a community facility (subsequent sections of the report consider them as open space, playing fields and sporting facilities), it is considered that the proposal would provide replacement educational and sporting facilities of better quality than the existing community facilities at the site, due to the poor quality of the existing facilities at the site. The development would therefore be acceptable and meet the objectives of development plan policy in this regard.

The schemes impact on playing fields, sporting facilities and open space
Paragraph 74 of the National Planning Policy Framework (NPPF) states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

The Sport England document ‘A Sporting Future for the Playing Fields of England’ (1996) provides further guidance on development relating to playing fields.

London Plan policy 3.19 states that proposals which result in a net loss of sports and recreation facilities, including playing fields, should be resisted. Policy 7.18 states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.

Policy CS7 (Enhancing and protecting Barnet’s open spaces) of the Barnet Core Strategy identifies that the council will:

- Meet increased demand for access to open space and opportunities for physical activity by tackling deficiencies and under provision.
- Secure additional on-site open space or other open space improvements in the identified growth areas.

- Improve access to open spaces particularly in areas of public open space deficiency.
- Securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space.

Policy DM15 of the Barnet Development Management Policies Document states that open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- (i) The development proposal is a small scale ancillary use which supports the use of the open space; or
- (ii) Equivalent or better quality open space provision can be made.

Any exception to this will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

If approved the proposal would result in the change of the site from open space comprising a playing field with sporting facilities and ancillary changing and parking to an educational use which includes a new school building with a new synthetic turf pitch. Despite the provision of the new synthetic turf pitch the scheme would not provide equivalent or better provision of open space, sports facilities or playing field in terms of quantity and quality. The scheme would result in the loss of approximately 3455m² of playing field when account is taken of the new sports provision provided as part of the scheme. The development would therefore result in a net loss of open space, playing field and sporting facilities. The application is not accompanied by an assessment which shows that the open space, playing field and sporting facilities on the land are surplus to requirements and it is recognised that the site is located more than 1.2km from the nearest district park and more than 400m from the nearest local park (Watling Park). The development must therefore be considered on this basis. In light of these factors it is found that the proposal is contrary to national guidance and development plan policies on the protection and loss of open space, playing fields and sporting facilities.

Having acknowledged this position it needs to be evaluated if there are material planning considerations which would outweigh the harm caused by the schemes conflict with planning policies on open space, playing fields and sporting facilities. As the previous section of this report explores the provision of new school places for which there is an identified local need is a very important material planning consideration and significant weight is placed on this by Officers.

While it is fully accepted that the application is in conflict with national guidance and development plan policies on the protection of open space, playing fields and sporting facilities, in this instance there are considered to be factors which, to some extent, limit the actual harm caused by this conflict with policy.

Prior to the implementation of the temporary school permission this part of the site was in a poor state of repair and it appeared that this had been the case for some time. The other parts of the site (beyond that covered by the temporary consent) are still in a poor condition. It is acknowledged that objections have been raised that the

site is still used by the local community as both open space and a sporting facility. It is also recognised that objections have been raised that the site has been neglected and allowed to fall into its current poor condition. However, this does not alter the position that much of the the site is presently in a poor condition. Officers in the Council's Property Service are of the view that the cost of bringing the property back to a standard that would enable effective sports use would be substantial.

While there would clearly be a reduced quantity of playing field and open space when compared to the existing situation at the site the proposal would provide new (in particular the floodlit synthetic turf pitch) and refurbished (the changing facilities) sports facilities on the land. Overall quality of sports facility provision is a more difficult matter to try and measure. There would be the loss of a space with a lawful use as playing field which could provide a senior sized football pitch as a result of the scheme. However, as has been previously noted, the existing sports and playing field facilities at the site are in a dilapidated state at present. The new sports facilities and spaces provided would have the potential to provide for a range of sports (tennis (full and mini courts), football (5 a side and training), basketball, netball, hockey (although not at a Sport England Standard sized pitch) and rugby training). The inclusion of floodlighting facilities for the new synthetic turf pitch would also extend the hours during which this space could be used.

It is recognised that objections have been raised that the land is covered by a covenant which states that the pitch and pavilion should be used for sports for local people. However, it is not considered that this would constitute a reasonable basis on which to refuse this application for planning permission.

Conclusions on the principle of the proposed development

The assessment of this application requires the clear and strong protection given by planning policies to playing fields, open space and sporting facilities to be considered carefully alongside the significant support given by national planning guidance to the provision of new state funded schools.

Having evaluated the relevant development plan policies and material planning considerations in this case officers conclude that while the application is contrary to development plan policies and national guidance on the protection of playing fields, sporting facilities and open space, on balance, in the specific circumstances of this proposal the actual harm caused by the conflict identified is outweighed by other important material planning considerations in the form of the planning benefits that the development would deliver. Primary to these is the provision of school places for which there is an identified local need. The new sporting facilities and spaces that the scheme would provide are also an important consideration, which weigh in favour of the scheme.

This is not a position which officers reach lightly. The schemes conflict with planning policies and the objections raised by Sport England and Mr Dismore AM in respect of the proposals adverse impact on open space, playing fields and sporting facilities (and the other objections he has raised to the scheme) have all been carefully considered by officers in reaching this recommendation. However, on balance, it is found that the desirability of establishing a school with new sporting facilities, which will be made publically available outside of school usage, in the area outweighs the

adverse planning impacts of the scheme on the local area. It is therefore found that the refusal of the school in principle (other matters are evaluated below) would not be justified in this instance.

For the reasons outlined above the principle of the development is, on balance, considered to be acceptable.

Design and character matters

The NPPF makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document makes it clear that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations. It then makes it clear that good design involves integrating development into the natural, built and historic environment.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The main school building is broken into two elements linked by a glazed structure. This feature assists the design of the building in a number of regards, for example breaking up the bulk and mass of the overall form. The main building is located on the western part of the site with space provided for landscaping and the drop off and pick up area between the building and the public footpath. The main building itself would be set back a distance of approximately 8.5m or more (usually greater) from the footpath in front of the school. This approach allows the building to contribute to the public realm and maximises the scheme's ability to create usable safe play and open space on the eastern side of the building. The landscaping to the west of the building also provides scope for the creation of an appropriate setting for the new building.

Provision has been made for hard surface and soft play in within the site. These spaces also assist in providing a suitable setting for the proposal. To provide the necessary safeguarding for users and to maintain security the open spaces (games pitches and other play areas) on the site would be enclosed by various types of

fencing and other means of enclosure. This is not unusual for schools. However, these areas will be made available for use by the community outside of their use by pupils. This will be ensured through the conditions recommended.

In addition to these broader design points, the more detailed design of the development is considered to take an acceptable approach. The predominant cladding material proposed for the main building would provide a durable structure which weathers well. The fenestration and entrance points to the main building provide visual interest and break up the facades. The use of a flat roof means that no further bulk is added by the formation of an additional roof structure on the building. Elements of colour have been introduced around window reveals to assist further in giving the facility an appearance reflective of its primary function. Conditions have been recommended to ensure that the detailed design implemented is of a suitable quality.

Access, parking and highway safety matters are addressed more fully in other sections of this report. However, the design approach is found to be acceptable in all these respects.

Officers consider that the scheme provides an acceptable and policy compliant approach to designing and laying out the site given the various planning constraints which exist. It is not considered that the scheme would result in any unacceptable visual impacts. The main building proposed is found to be of an appropriate size and scale in relation to neighbouring buildings and, subject to the conditions recommended, it is also considered to be of a sufficient design quality. The other elements of the development proposed are also all considered to be acceptable in terms of their design quality, subject to the controls in place through the conditions recommended. It is found that the new school building would be provided with an adequate setting and the hard and soft landscaping proposed is considered to be acceptable and compliant with the objectives of planning policies more widely subject to the imposition of the conditions recommended (landscaping matters are addressed in subsequent sections of this report.). The refuse and recycling facilities proposed are also considered to be acceptable subject to the conditions recommended.

The application is found to deliver an appropriate design solution in all regards which, subject to the conditions recommended, is found to be acceptable and compliant with development plan policies as they relate to design and character matters.

Impacts on amenities of neighbouring and surrounding occupiers and users

Local Plan policies, such as policies DM01 and DM13, seek broadly to create quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design and the appropriate management of new development. For the reasons set out below the development is found to be compliant with the objectives of these policies, subject to the imposition of the conditions recommended.

Privacy, Outlook, Daylight and Sunlight

Policy DM01 of the Local Plan states that developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The site is bounded by Deansbrook Road (A5109) to the north, residential dwellings (including Wicket Court) to the south, a railway line (Northern Line) to the west and Pavilion Way to the east. In terms of its siting the main school building proposed is positioned on the north-eastern part of the site. Areas for play and sport would be located to the south and west of the main building. The parking area for the school and the refurbished single storey pavilion building are positioned to the south of the main building. The main two storey school building proposed would be located approximately 18.5m from the nearest residential property (the ground floor of a residential property on the eastern side of Pavilion Way).

It is considered that the design, size, layout and siting of the main proposed school building and the other elements of the proposed development are such that they would not have an unacceptable impact in terms of outlook, privacy, overlooking, daylight, sunlight and overshadowing at the land and buildings surrounding the site, including the residential properties. The application is therefore considered to be acceptable and compliant with development plan policy and planning guidance in these respects.

Noise Impacts

Development plan policies state that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

It is anticipated that a level of noise would be generated from the development during school hours. However, noise from children occurring during the day and at points such as the primary drop off and pick up periods is to be expected from primary schools. In this instance it is not considered that, subject to the imposition of the conditions recommended, the noise generated by the facility during school hours would be such that it would be detrimental to the amenities of surrounding occupiers and users or that it would justify a refusal of planning permission.

It is also accepted that the use of the facility outside of school hours, in particular the new synthetic turf pitch, but also the school building and adjacent spaces, would generate a level of noise. However, it is important to recognise that the use of the existing, larger, playing field facilities at the site could also be reasonably expected to generate a significant level of noise if they were brought back into use. Notwithstanding this, subject to the controls in place through the conditions recommended, it is found that the noise generated by the facility outside of school hours would be such that it would not be detrimental to the amenities of surrounding occupiers and users and that a refusal of planning permission based on such impacts would not be justified.

The conditions recommended seek to mitigate potential noise impacts from the scheme in a range of regards. A condition has been included limiting the hours of use of the new facilities. This would ensure that their overall use is kept within

reasonable hours. A condition has also been included in those recommended to ensure that any noise from plant installed on the site is kept within acceptable parameters. A further condition requires the installation of acoustic fencing at appropriate locations around the site. Subject to the imposition of the conditions recommended Environmental Health officers have confirmed that they do not object to the proposal.

A condition requiring the submission of a Construction Management Plan has been included in those recommended. This would ensure that the construction of the development did not have an unacceptable impact on the amenities neighbouring properties in terms of noise matters and also in other regards.

Lighting Impacts

Local Plan Policy DM04 states that lighting proposals for developments should not have a demonstrably harmful impact on residential amenity. Due to the extended hours of use which it allows the flood lighting proposed for the new synthetic turf pitch is an important element of the benefits provided by the scheme. However, to ensure that the flood lighting proposed does not result in unacceptable levels of light pollution or harm the amenities of neighbouring occupiers this element of the scheme has been controlled by the conditions recommended. Subject to this control the scheme is found to be acceptable and to not conflict with the objectives of development plan policies on light pollution and the protection of the amenities of neighbouring occupiers from lighting related impacts.

Creating inclusive environments for all members of the community

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents provided with the application identify a number of ways in which the design of the proposed development has been influenced by the desire to make it accessible for all members of the community. This includes the provision of features such as the use of a relatively simple layout in the proposed buildings plan form, the use of level thresholds to all external doors and the inclusion of disabled standard parking spaces. The submission confirms that all spaces have been designed to meet the requirements of Part M of the Building Regulations.

Conditions have been recommended to ensure that the development provides appropriate facilities for all members of the community in a variety of regards, for example the provision of disabled standard parking spaces. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

Trees, landscaping and biodiversity matters

Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

Since the submission of the original application documents further tree related information has been provided to the Local Planning Authority in respect of the scheme. In terms of landscaping the application site currently contains approximately 171 trees and areas of grassland, shrubs, hedging and hard landscaped surface. Approximately 76 of the trees on the site are covered by a Tree Preservation Order (Reference Number TRE/HE/51). The submission assesses the impact of the proposed development on trees in and around the site. Using the approach set out in national guidance on this matter (British Standard 5837:2012) all of the assessed trees fall into category C. The development proposed would result in the removal a total of 97 trees from the site. Of these 97 trees 42 are protected by a Tree Preservation Order.

It is accepted that the removal of 97 trees, including the 42 covered by a preservation order, is unfortunate. However, on balance, officers consider that the other planning benefits of the scheme in combination with the new planting which would be achieved as part of the landscaping works provide adequate mitigation for the trees and other soft landscaping features that would be lost in this instance. Conditions have been recommended to ensure that the trees and wider landscaping implemented would be of a sufficient quality, including new trees of a suitable size and species. Officers take the view that appropriate consideration has been given to trees and the desire to retain as many trees as possible. Conditions have been recommended to ensure that appropriate measures are taken to protect the trees proposed for retention.

More generally the landscaping proposed for the site is considered to include an adequate balance of hard and soft surfaces and provides an appropriate setting for the buildings proposed. Matters relating to access, parking, biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.

It is concluded that the scheme provides adequate mitigation for the landscaping features which would be lost as part of the works proposed and that the development is acceptable and compliant with policy in respect of tree and landscaping matters.

Biodiversity

Policy DM16 of the Barnet Local Plan states that when considering development proposals the Council will seek the retention and enhancement, or the creation of biodiversity. Planning authorities are obliged (by the Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the relevant information on the presence of protected species at a site before they make a decision on an application for planning permission.

An Extended Phase 1 Habitat Survey of the application site was carried out by Ecology and Habitat Management Limited and a report identifying the results of this has been submitted with the application. The report sets out the following key conclusions and recommendations:

- The site has a number of habitats which could support breeding and nesting birds.
- It is recommended that any vegetation clearance work is undertaken outside of the bird breeding season (March to September inclusive) or under the supervision of an ecologist following a breeding bird survey.
- The broadleaved trees at the sites northern and western boundaries form part of a wider green corridor and have the potential to be feeding and commuting habitat for bats and habitat for hedgehogs (and also habitat for breeding birds). While a number of the trees in this area will need to be removed to implement the scheme this can be mitigated by planting new native broad leaved trees in existing gaps in the tree line on the sites western border.
- The pavilion building should be checked for signs of bat presence before any works are undertaken on it.
- The potential presence of other protected species was considered to be low.
- The site contains existing areas of dead wood providing a habitat to invertebrates. These should be recreated on the site
- The site offer opportunities for biodiversity enhancements through the installation of bird boxes (Sparrow Terraced Nest Boxes) and the use of native plant species during any planting.

The conditions recommended would ensure the delivery of the biodiversity protection, mitigation and enhancement measures identified in the submission.

Natural England has responded to the consultation and they have not raised any objections to the proposal.

The landscaping conditions recommended (both in respect of the protection of existing features and new landscaping) are considered sufficient to ensure that these aspects of the scheme are acceptable from a biodiversity perspective.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with policy on biodiversity and nature conservation matters.

Noise and air quality impacts

Air Quality Impacts

The London Borough of Barnet has been designated an Air Quality Management Area (AQMA). Local Plan policy DM04 requires that development proposals ensure they are not contributing to poor air quality. It also identifies that where there is a localised source of air pollution buildings should be designed and sited to reduce exposure to air pollutants. Proposals should include air quality assessments where appropriate. An air quality assessment, prepared by Redmore Environmental, has been submitted with the application.

The air quality assessment submitted has been evaluated by officers in the Council's Environmental Health Service. Officers conclude that the proposal would not have a significant impact on local air quality. It is also found that users of the facility proposed in the submission would not be expected to be exposed to unacceptable air quality conditions, subject to the use of suitable air quality mitigation measures in the scheme (including the use of mechanical ventilation equipment). Conditions have been recommended to ensure that any necessary air quality mitigation measures are implemented as part of the development and subject to the inclusion of these the proposal is deemed to be acceptable and compliant with the objectives of development plan policy on air quality matters.

Noise Impacts

Local Plan policy DM04 identifies that proposals to locate noise sensitive developments (such as schools) in areas with existing high levels of noise will not normally be permitted. The application is accompanied by a noise report prepared by Acoustic Consultants Ltd. Officers in the Council's Environmental Health Service have assessed the submission, including this report. It is found that the development would not be subject to unacceptable levels of noise impacts from the surrounding area. The proposal is therefore considered to be acceptable and compliant with the objectives of planning policy in this regard. Matters relating to the potential noise impacts arising from this development on neighbouring occupiers and users of the area surrounding the site have been assessed earlier in this report.

Transport, parking and highways matters

Policy Context

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network, take a comprehensive approach to tackling the school run, ensure that development is matched to capacity, deliver high quality transport systems in regeneration areas and town centres, seek more environmentally friendly transport networks and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan Document sets out the parking standards that the Council will apply when assessing new developments.

Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Proposals with the potential for significant transport implications will be expected to be in locations which are, or will be made, accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. The occupiers of new schemes are also required to develop, implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Policy DM13 (Community and education uses) specifically identifies that new education uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres, and should ensure that they do not result in significant adverse impacts on the free flow of traffic and road safety.

Existing conditions

The Public Transport Accessibility Level for the site, using Transport for London model, is calculated as 3. This would be considered a medium accessibility level. Bus routes 32, 142, 204, 251, 288,292,302,303 and 305 are within walking distance of the site.

A Pedestrian Environment Review System (PERS) audit was conducted for an agreed area in the vicinity of the site. The PERS Audit indicates that the existing pedestrian environment in the area studied is generally of a good quality, with all of the selected links, crossings and public transport areas achieving average to good scores. A signalised pedestrian crossing of Deansbrook Road is present approximately 270m to the west of the site and a pedestrian refuge island is situated approximately 160m to the east of the site.

Personal Injury Accidents (PIAs) occurring within a 640m radius of the site over a 36 month period were assessed as part of the Transport Assessment submitted with the application. Of the total PIAs recorded 63 accidents were recorded as 'slight' and 3 were recorded as 'serious'. A total of 12 slight personal injury accidents were recorded on Deansbrook Road in reasonable proximity to the site. These included no recorded fatalities. 4 incidents involved cyclists and 2 involved pedestrians. No personal injury accidents were recorded on Pavilion Way itself. No personal injury accident trends or patterns were observed in the vicinity of the site which were likely to be exacerbated by the development proposed.

The proposal

Key highway, access and parking related elements of the proposal comprise:

- The formation of on-site car parking facilities to achieve a total of 29 car parking spaces, all accessed from Pavilion Way.
- The inclusion of 6 of the on-site parking spaces as disabled standard parking spaces.

- The formation of a drop off and pick up facility with entrance and exit points on Pavilion Way, along the eastern boundary of the site. This area could accommodate up to five cars and also provides access for servicing and emergency vehicles. In addition to this four of the proposed disabled standard parking spaces proposed are accessed from this facility.
- The provision of 84 cycle parking spaces and parking facilities for 36 scooters on the site.
- The provision of a number of points of potential pedestrian access into the site from Pavilion Way. These including the formation of a pedestrian access which is segregated from the vehicular access (in the interests of safety). This segregated route also leads to the cycle and scooter parking facilities proposed.
- The provision of refuse and recycling storage facilities on the eastern part of the site.
- The formation of a new 2m wide footpath to be located along the eastern boundary of the school on Pavilion Way.

Parking

The layout proposed provides a total of 29 car parking spaces on-site. The development would also provide an on-site drop off and pick up area that is able to accommodate up to 5 cars. These facilities would also be used to provide visitor parking. Six of the parking spaces proposed would be provided as disabled standard spaces. A parking beat survey has been carried out and this indicates that there are a sufficient number of parking spaces available in the vicinity of the site to cater for the short term parking demand resulting from the school pick up and drop off period. The car parking and drop off and pick up facilities available within the site and the surround area are, collectively, considered to be acceptable and sufficient to meet the car parking demands generated by this proposal.

84 cycle parking spaces are proposed. This quantum of cycle parking is in accordance with the London Plan cycle parking standards and is found to be acceptable. The scheme also includes facilities for the storage of 36 scooters. This is found to be a positive element of the scheme which will encourage travel to and from the facility by sustainable means.

Conditions have been recommended to ensure that the car and cycle parking facilities proposed are implemented prior to the school being brought into use. Subject to these the proposal is considered to be acceptable and compliant with the objectives of development plan policies in terms of the parking facilities proposed.

Trip generation, highway and pedestrian safety and accessibility

The proposed development is predicted to generate approximately 102 vehicular (car) trips associated with parents and pupils, including 'park and walk' trips, in the Peak Period. 22 staff vehicular trips are predicted to occur as a result of the development during this period. The vehicular trip generation arising from the application is considered unlikely to have a detrimental impact on the highway network. The application is therefore found to be acceptable and policy compliant in this regard.

The development is expected to generate a total of 54 public transport (rail and bus) trips during the peak period. When viewed in the context of the current public transport facilities available in the vicinity of the site it is not considered that the proposal would have a material impact on public transport services. The application is therefore found to be acceptable in this regard.

The proposals include the provision of a new 2m wide footpath to be located on the eastern boundary of the school along Pavilion Way. This element of the proposal would improve the local pedestrian network for pupils and staff arriving and departing the school by foot and would provide direct access to the site from Pavilion Way. The delivery of this and the other new access arrangements for the facility (including alterations to existing accesses, new access points and footways and related alterations to waiting restrictions) is secured through the planning obligations recommended.

The planning obligations recommended also include the following:

- £10,000 for the provision of signage, school keep clear markings and guard railing.
- £5,000 for feasibility work on a new crossing facility on Deansbrook Road to the west of the proposed school.
- Up to £40,000 towards the provision of new pedestrian crossing facilities on Deansbrook Road (should the feasibility confirm this is appropriate).

The signage, school keep clear markings and guard railing are needed to provide an appropriate highway environment for the proposed facility. The feasibility work is necessary to establish if there is a need for a new pedestrian crossing on Deansbrook Road to facilitate movements associated with the new facility. The sum for the actual implementation of the crossing would only be required should the feasibility confirm that a new crossing is appropriate.

It is found that the site is sufficiently accessible by public transport, walking and cycling to meet the objectives of development plan policy in this regard, subject to the measures secured through the conditions and planning obligations recommended. It is also considered that the design and layout of the development proposed are such that it would provide suitable access arrangements for pedestrians and vehicles and that it would not raise any specific concerns from a highway and pedestrian safety perspective, subject to the conditions and planning obligations recommended. The application is therefore found to be acceptable and compliant with the objectives of development plan policy in these regards.

Transport related management plans

In accordance with the requirements of planning policies an appropriate School Travel Plan will need to be provided and implemented in respect of the development to encourage shifts to more sustainable modes of transport. A planning obligation is recommended to ensure that an acceptable and policy compliant School Travel Plan, containing appropriate targets and a broad range of measures, is provided for the development. In order to ensure that the objectives of the Travel Plan are being met

a monitoring contribution of £5,000 is required and has been included in the planning obligations recommended.

Servicing is proposed to take place on-site within the car parking area accessed from Pavilion Way. All deliveries are to be scheduled outside school start and end times to minimise conflict with pedestrians and with peak pick-up and drop-off activity. Refuse and recycling collection activity for the school will take place from Pavilion Way. It is understood that the arrangements have been agreed with the Council's Waste Collection service. The conditions recommended include a requirement for the provision of refuse and recycling storage facilities at the site in accordance with details that have previously been agreed with the Local Planning Authority and the operation of the site in accordance with a Servicing and Delivery Plan that has previously been agreed with the Local Planning Authority. Subject to these conditions the proposal is found to be acceptable in this regard.

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended.

Transport, parking and highways conclusions

The Council's Traffic and Development Team have assessed the proposal and consider it to be acceptable in all relevant regards. For the reasons outlined above the scheme is found to be acceptable and compliant with the objectives of development plan policy in relation to parking, highways and transport matters subject to the imposition of the conditions and planning obligations recommended.

Sustainable design and construction matters

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

This policy identifies that non-domestic developments should currently achieve a 40% reduction in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations. This should be read alongside the Mayoral Sustainable Design and Construction SPG which states that the Mayor will adopt a flat carbon dioxide improvement target beyond the 2013 Building Regulations of 35% for non-residential development.

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

Carbon dioxide emissions

The submission confirms that the proposal would achieve a reduction of 35% in carbon dioxide emissions when compared to a building constructed to comply with the 2013 Building Regulations. The reductions proposed are considered to have been achieved in a manner which is consistent with the energy hierarchy.

The submission proposes the use of on-site renewable energy generation technologies as part of the development and suggests that photovoltaic panels would be the most suitable technology in this instance. It also identifies that these would achieve a reduction of approximately 18.8% in carbon dioxide emissions. This is found to be sufficient to meet the objectives of London Plan policy in this instance.

A condition has been recommended to ensure that the development achieves the overall level of carbon dioxide reductions put forward as a minimum and also to ensure that it includes the use of on-site renewable energy technology.

Subject to these controls the proposal is considered to meet the objectives of development plan policies and planning guidance in respect of carbon dioxide emissions and on-site renewable energy generation. The proposal is therefore found to be adequate in this regard.

Other aspects of sustainable design and construction

The documents submitted with the application identify a number of features that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These are discussed in more detail in the various relevant sections of this report but include elements such as the creation of new facilities for the community, the formation of areas of soft landscaping, the provision of appropriate recycling storage equipment, the inclusion of energy efficiency measures and the installation of facilities for cyclists.

The submission identifies that the proposal is required to meet a standard of 'Very Good' using the BREEAM measure of sustainable design and construction and includes a BREEAM (2014) Pre-Assessment demonstrating how this could be achieved. To ensure that the 'Very Good' standard is delivered a condition on this aspect of the proposal has been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures to be incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability. It is considered that the application would result in a development which reaches an appropriate overall standard in respect of sustainable design and construction matters subject to the controls recommended.

To address policies on urban greening specifically the development includes areas of new planting and soft landscaping at a ground level (the retention of a number of

existing trees at the site is also proposed). Conditions have been recommended to ensure that the site is appropriately landscaped at the implementation stage of the development (landscaping is addressed in greater detail in other sections of this report). It is noted that the application does not propose that the main school building be constructed with a green or brown roof. The opportunity has been taken to provide renewable energy infrastructure on part of the roof of the building. When considered alongside the other planning benefits that the proposal would deliver (as explored in other sections of this report) it is found the lack of green or brown roofs in the scheme would not warrant a refusal of planning permission in this instance. The soft landscaping proposed as part of the development and the use of part of the roof of the building to provide on-site renewable energy equipment is found to support the case for taking this view.

Flooding and water infrastructure matters

The application site does not fall within an area identified as being at risk of flooding (Flood Zone 1). The Environment Agency has responded to the consultation and has not raised any objection to the proposal or requested any conditions be placed on a grant of consent in respect of flood risk matters. Notwithstanding this a condition has been included in those recommended to ensure that appropriate drainage infrastructure and systems are installed as part of the development.

Thames Water has responded to the consultation and not raised any objections to the proposal. Thames Water has requested that the scheme incorporate oil pollution mitigation measures. The conditions recommended would ensure the implementation of suitable features in this respect. In addition to this points Thames Water have made a number of comments in respect of sewers in the area, ground water discharges and surface water drainage matters. Informatives on these matters have been included in those recommended.

To address the objectives of development plan policy on water efficiency conditions have been recommended to ensure that the development include suitable water efficiency measures, such as low flow taps and dual flush toilets. In this way water usage will be minimised. The submission also includes the provision of a rainwater capture device as part of the surface water network. The water from this will be used for irrigation on the site. Conditions have been recommended to ensure the delivery of this element of the scheme.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions recommended.

Safety and security matters

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime. The London Fire and Emergency Planning Authority and Metropolitan Police Service have both responded to the consultation on the application and neither party has raised any objections to the proposal subject to the inclusion of the conditions recommended. The design and layout of the development proposed is considered to be such that, as controlled through the use of the conditions

recommended it would provide a safe and secure environment which reduces opportunities for crime and the fear of crime. The proposal is therefore found to be acceptable in this regard.

Contaminated land and water quality issues

The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters. The Council's Environmental Health Service has confirmed that any concerns they may have regarding contaminated land issues are adequately addressed through the conditions recommended in this respect. Having evaluated the information submitted, it is considered that the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters, subject to the conditions recommended.

Archaeological matters

The application is accompanied by a desk based Archaeological Assessment (prepared by AOC Archaeology). Historic England Archaeology has responded to the consultation on the application and, having reviewed the submitted assessment, they have not raised any objection to the proposal or request that any further pre or post application determination archaeological assessment or evaluation of the site is carried out. Officers support this position and find the proposal acceptable in terms of archaeological matters.

Environmental Impact Assessment Regulations

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015). However, the development is considered to be of a description identified in Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application is not considered to be in or partly in a sensitive area as defined in Regulation 2. As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds more than 1 hectare of urban development which is not dwellinghouse development. The area of development identified in the information submitted exceeds this threshold. The proposal is therefore Schedule 2 development.

The characteristics, location and the impacts of the development proposed are described in significant detail in other sections of this report and so are not repeated here. Having considered the characteristics of the development, the location of the development and the characteristics of the potential impacts of the proposal (the criteria set out in Schedule 3 of the Regulations) it is concluded that in each of these respects and taken in totality the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations. It is considered that the proposal is not a major development which is of more than local

importance, is not a proposal situated in (or partially within) a particularly environmentally sensitive or vulnerable location and is not a development with unusually complex or potentially hazardous environmental effects. This is considered to support the conclusion that the proposal would not be likely to give rise to significant effects on the environment in the sense intended by the Regulations.

Taking account of the criteria set out in Schedule 3 of the Regulations, the guidance provided in the National Planning Practice Guidance and other relevant factors it is considered that the development proposed would not be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

3. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have, in considering this application and preparing this report, had careful regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

The development proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the proposal, as controlled by the conditions recommended, would ensure that in several regards the development constructed would exceed the minimum requirements of such legislation. An example of this is

the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report). With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development.

It is acknowledged that the scheme would result in the loss of playing field and open space. However, due to the poor state of much of the existing site it is considered that the school proposed under this application would represent a community facility which goes further towards meeting equality and diversity objectives than the current facilities on the land achieve. In this regard the development proposed would have a positive effect in terms of equalities and diversity matters.

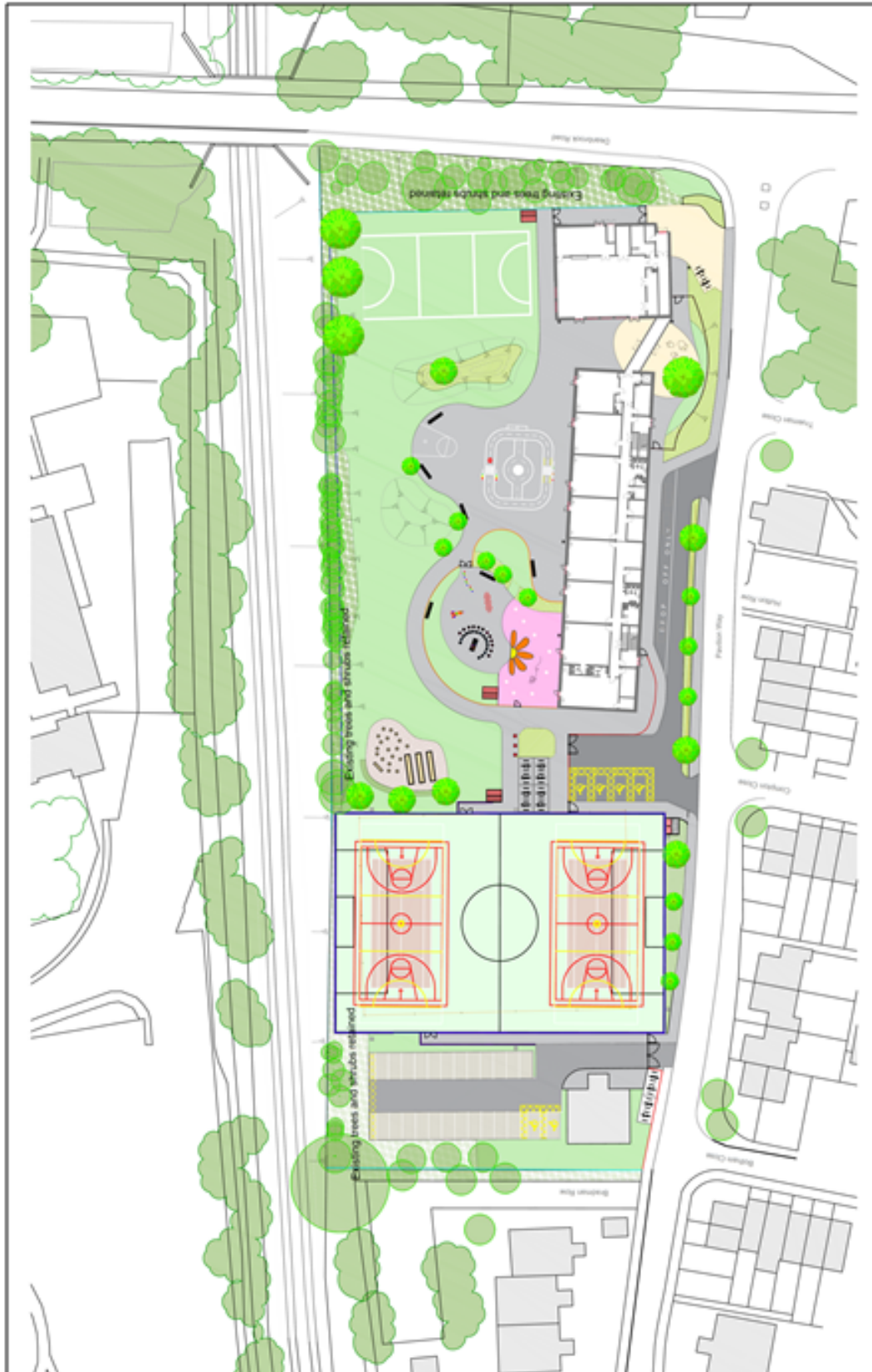
It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant more broadly are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in Barnet's Equality Scheme and support the council in meeting its statutory equality responsibilities.

4. CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material planning considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in detail in the previous sections of this report Officers conclude that the proposed development generally and taken overall accords with the relevant development plan policies and planning guidance, except as they relate to the protection of open space, playing fields and sporting facilities. In respect of the protection of open space playing fields and sporting facilities, it is considered that the proposed development would provide substantial planning benefits, in particular the delivery of school places for which there is an identified local need, and that, on balance, given the particular circumstances of the development these are sufficient to outweigh the schemes conflict with development plan policy and any harm caused in this respect. As such it is considered that there are material planning considerations which justify the recommendation to grant planning permission in this instance. The application is therefore recommend for APPROVAL subject to conditions, as set out in the Recommendations section at the beginning of this report.

APPENDIX 1: PROPOSED SITE LAYOUT PLAN



APPENDIX 2: SITE LOCATION PLAN

APPLICATION REFERENCE: 15/07713/FUL

