

**LOCATION:** Pavilion Study Centre, 58B Chandos Avenue, London,  
N20 9DX  
**REFERENCE:** 19/5427/FUL  
**WARD:** Oakleigh

**Received:** 7 October 2019  
**Accepted:** 17 October 2019  
**Expiry:** 12 December 2019

**APPLICANT:** London Borough of Barnet

**PROPOSAL:** Demolition of the existing caretakers house and the erection of a new 415.8sqm single storey temporary school building, two ancillary storage units, associated playground and car park and the construction of a temporary vehicular access off Maryrose Way

**Recommendation:** Approve subject to conditions

The Committee also grants delegated authority to the Service Director Planning & Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

### **Conditions**

1. This development must be begun within three years from the date of this permission. The buildings hereby permitted shall be in use for a limited period of 24 months, beginning from the date of the construction of the temporary teaching buildings on site, of which the local planning authority shall have been notified in writing beforehand.

On or before the end of this 24 month period the use hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed from the site and the land reinstated in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the consent granted accords with the permission sought and considered, in the interest of the amenities of the area.

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

4180-Dame Alice Owen PRU Enabling Works-AIA-1909-27ns  
4180-Dame Alice Owen PRU Enabling Works-Draft TPP-A1-1909-27ns  
PRU-CLTH-03-ZZ-DR-A-1001-ExistingSitePlan-A  
PRU-CLTH-03-ZZ-DR-A-1003-LocationPlan-A  
PRU-CLTH-03-ZZ-DR-A-1010-ProposedTemporaryAccommodationSitePlan-D

PRU-CLTH-03-ZZ-DR-A-1011-ProposedTemporaryAccommodation-C  
PRU-CLTH-03-ZZ-DR-A-1061-DemolitionPlan  
PRU-CLTH-03-ZZ-DR-A-4010-TempClassroomElevations-A  
PRU-CLTH-03-ZZ-DR-A-5201-ProposedCrossSection-B  
19-BUR-011-01L Graham Construction PRU Pavilion Study Centre  
PMflex\_Specifications\_Brochure\_1.5  
PRU-DID-03-XX-DR-C-5001-P02  
PRU-DID-03-XX-DR-C-6001-P02  
PRU-DID-03-XX-DR-C-6002-P02  
PRU-DID-03-XX-RP-C-0001-P02\_P1-4  
PRU-DID-03-XX-RP-C-0001-P02\_P2-4  
PRU-DID-03-XX-RP-C-0001-P02\_P3-4  
PRU-DID-03-XX-RP-C-0001-P02\_P4-4  
17122-502-H  
17122-503-C  
17122-504-C  
17122-601-C  
17122-602-B  
MF16 Pavilion PRU\_Site Logistics\_rev L\_25.02.2020  
N01-DF-Temporary Access Transport Note (190926) v1  
MF16 Pavilion PRU\_Traffic Management Plan v6 09042020\_Appx B Binder  
MF16 Pavilion PRU\_Traffic Management Plan v6 09042020\_Excl Appx B Binder  
3955 - Dame Alice Owen PRU Bat Survey - 1906-26rc  
190926\_PRU\_EW\_Lighting  
PRU Whetstone Planning Statement 30-09-2019

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 CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;

- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

4. No construction work resulting from the planning permission, including the installation of the temporary buildings 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 pm on other days.

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

5. The development hereby permitted shall not be occupied by pupils outside the hours of 08:00 hours and 17:00 hours Monday to Friday.

Reason: To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet's Local Plan 2012.

6. Before any external lighting is installed onto any part of the hereby approved buildings, details shall be submitted to and approved in writing by the Local Planning Authority. Lighting fixtures shall be implemented as approved and retained as such thereafter.

Reason: To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet's Local Plan 2012.

7. The level of noise emitted from any plants, ventilation, flues or refrigeration required shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

9. No works on the public highway including the proposed vehicular access from Maryrose Way as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 278/184 of the Highways Act, for these works any and reinstatement of any consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

10. Details of proposed segregation of pedestrians and vehicles utilising the proposed new route from Maryrose Way shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of this route as a means of access to the site by users of the school facilities.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

11. Before the development is occupied a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority that meets the criteria in the Transport for London's guidance booklet "What a School Travel Plan should contain" and should include the appointment of a Travel Plan Champion. The Travel Plan should be reviewed annually in accordance with the target set out in the Travel

Plan. The key headlines and obligations of the school travel plan are to be set out in a s106 agreement.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

12. The development shall be carried out in strict accordance with the provisions and tree protection methods outlined in the submitted Arboricultural Implication Assessment by Writtle Forest Consultancy Statement dated September 2019 and as illustrated on Draft Tree Protection Plan 180617 Rev A.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with policies CS5 and CS7 of The Core Strategy (2012) and DM01 of the Development Management Policies (2012).

13. All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of each phase of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which, within a period of 5 years from the completion of the development, dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased, shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to, any variation.

Reason: To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

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

1. The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be

understood that any remedial works for such damage will be included in the estimate for highway works.

2. The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW, 4-6 weeks before the start of any works on the public highway.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

3. As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the

works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

4. surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

5. The submitted Construction Method Statement shall include as a minimum details of:

Site hoarding

Wheel washing

Dust suppression methods and kit to be used

Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.

Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

6. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for

Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

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

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

7. In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **1. MATERIAL CONSIDERATIONS**

### **1.1 Key Relevant Planning Policy**

#### **Introduction**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.



## **National Planning Policy Framework**

The revised National Planning Policy Framework (NPPF) was published on 19<sup>th</sup> February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

## **The Mayor's London Plan 2016 (Jan 2017 fix)**

The London Plan is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). In March 2016, the Mayor published (i.e. adopted) the London Plan 2011 consolidated with: the further alterations to the London Plan published in March 2015, the Housing Standards Minor Alterations to the London Plan published in March 2016 and the Parking Standards Minor Alterations to the London Plan published in March 2016.

The London Plan policies (arranged by chapter) most relevant to the determination of this application are as follows:

### Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

### London's Places:

2.2 (London and the Wider Metropolitan Area)

2.7 (Outer London Economy)

2.8 (Outer London Transport)

2.13 (Opportunity Areas and Intensification Areas)

2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces)

### London's People:

Policy 3.1 (Ensuring equal life chances for all)

Policy 3.6 (Children and young people's play and informal recreation facilities)

Policy 3.16 (Protection and Enhancement of social Infrastructure)

3.18 (Education facilities)

Policy 3.19 (Sports facilities)

### London's Response to Climate Change:

5.1 (Climate Change Mitigation)

5.2 (Minimising Carbon Dioxide Emissions)

5.7 (Renewable Energy)

5.10 (Urban Greening)

5.11 (Green Roofs and Development Site Environs)

- 5.12 (Flood Risk Management)
- 5.13 (Sustainable Drainage)
- 5.21 (Contaminated Land)

#### London's Transport:

- 6.1 (Strategic Approach)
- 6.2 (Promoting Public Transport Capacity and Safeguarding Land for Transport)
- 6.3 (Assessing Effects of Development on Transport Capacity)
- 6.4 (Enhancing London's Transport Connectivity)
- 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)
- 6.13 (Parking)

#### London's Living Places and Spaces:

- 7.4 (Local Character)
- 7.6 (Architecture)
- 7.8 (Heritage assets and archaeology)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing and Managing Noise)
- 7.18 (Protecting Open Space and addressing deficiency)
- 7.19 (Biodiversity and Access to Nature)
- 7.21 (Trees and Woodlands)

### **Draft Replacement London Plan 2017**

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

The Inspector Panel Report following the Examination in Public was published in October 2019. The Inspector Panel was broadly supportive of the majority of the DLP, subject to several changes being made. The Mayor subsequently declared in December 2019 it's 'intention to publish', accepting some but not all of the Inspector's recommendations. As not all of the Inspector's recommendations have

been accepted. It is for the Secretary of State to decide whether the DLP can proceed to adoption.

The Secretary of State wrote to the Mayor on the 13<sup>th</sup> March advising that the London Plan can not be adopted in its current form without further changes being made as outlined in the Secretary of State's letter.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound and those policies which the Secretary of State did not raise objections to. Nevertheless the London Plan 2016 remains the statutory development plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that account needs to be taken of emerging policies.

### Mayoral Supplementary Guidance

#### **Sustainable Design and Construction (April 2014)**

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

#### **The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)**

The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.

#### **Accessible London: Achieving an Inclusive Environment (October 2014)**

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

#### **Planning for Equality and Diversity in London (October 2007)**

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

#### **All London Green Grid (March 2012)**

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

#### **The control of dust and emissions during construction and demolition (July 2014)**

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM<sub>10</sub> and PM<sub>2.5</sub> from construction and demolition activities in London.

### **Relevant Local Plan (2012) Policies**

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which

were both adopted on 11 September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

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 integrated community facilities and uses)  
CS11 (Improving health and wellbeing in Barnet)  
CS13 (Ensuring the efficient use of natural resources)  
CS15 (Delivering the Core Strategy)

**Development Management Policies (Adopted 2012):**

DM01 (Protecting Barnet’s character and amenity)  
DM04 (Environmental considerations for development)  
DM13 (Community and education uses)  
DM15 (Green Belt and open spaces)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

*Local Supplementary Planning Documents and Guidance:*  
Sustainable Design and Construction SPD (October 2016)

Barnet’s Local Plan (Reg 18) 2020

Barnet’s Local Plan Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council’s preferred policy approach together with draft development proposals for 67 sites. It is Barnet’s emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

**1.2 Key Relevant Planning History**

**20/1304/FUL** - Full planning application for the demolition of the existing pavilion and main school building and the erection of a new 1941 sqm two storey main

school building, a 220 sqm single storey pavilion building, associated playground with MUGA facilities and car park- Pending Consideration

**B/00350/12-** Installation of external fire escape on the west elevation including new access door at first floor- Approved 29/03/2012

**N00995C/03-** Change of use from residential to educational (D1 Use)- Approved 25/02/2004

**N00995B-** Erection of 2m and 4m fencing around play area- Approved 05/12/1995

**N00995A-** Widening of an existing footpath to form an access road, construction of parking area to provide facilities for 32 cars- Approved 04/04/1979

**N00995-** Erection of equipment store- Approved 15/03/1967

### **1.3 Pre-application Consultation by the Applicant**

The applicant engaged in pre application discussions with the London Borough of Barnet and also carried out pre planning public engagement in the form of a drop in consultation event held on Tuesday 13th August 2019 along with fliers and other feedback forms.

### **1.4 Public Consultations by the Council and Views Expressed**

#### Public Consultation

**195** local residents were consulted on the planning application by letter on 23<sup>rd</sup> October 2019. The application was advertised by site notice on the 23<sup>rd</sup> October 2020. The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy.

#### Public Representations

As a result of the consultation, a total of 57 responses have been received. One supporting, fifty five objections and one representation neither supporting or objecting to the proposal.

The comments in objection concern the following grounds:

Split Planning application prejudices objectors, residents should have ability to comment on whole application;

Bat Survey Inaccurate;

Tree survey not accurate, proposals might affect trees outside the site i.e. in Marry rose way;

Loss of sport pitches for during of temporary works and use;

Proposal contrary to sports England guidance;

Proposal would increase number of pupils to 70 which would result in traffic chaos;

Increase in size of buildings not necessary;  
Loss of light to neighbouring properties;  
Large buildings would affect quality of public space;  
Proposal would destroy character of area;  
Proposal will damage trees and landscaping;  
Proposed building works will affect wildlife;  
Loss of privacy;  
Noise disturbance;  
Obstruction of adjoining roads during construction, construction will have to queue to enter and construction workers parking etc;  
Construction of main school without need for temporary school should take place in summer holiday;  
Proposed temporary school buildings much larger than existing school;  
Noise from proposed playground in permanent school;  
Existing pavilion should be maintained and made good;  
Problems with existing pupils will be exacerbated if numbers increase;  
Proposed construction would be disturbing and cause a loss of amenity and potential property damage to properties in Maryrose Way;  
Temporary access road might become permanent;  
Drainage issues from disturbance constructing temporary access road;  
Acoustic screening should be provided for construction;  
Safety risk to elderly people in care home, if not suitable for permanent access why is it suitable for temporary construction access;  
Temporary access road is over an area of yellow line which was put there to allow access to an adjoining driveway;  
Query about emergency vehicle access.

The Letter neither supporting or opposing the application expresses concerns relating to the construction road and gradient on Maryrose Way and potential damage to their property and requests that the main school building is moved further away from Maryrose. Also concern re tree loss and drainage. Considers application for advanced infrastructure and full applications should not be split.

The Letter of Support can be summarised as follows:

Inadequate conditions of main school not providing adequate security or facilities reflecting badly on how society is treating pupils despite staff best endeavours. Proposals would also improve sports provision in the area which is currently under used.

#### Officer Comment

The above comments have been taken into account in the determination of this planning application. The principle of a replacement temporary school on the Dame Alice Playing fields site is established by the existing school. Details of design, neighbouring amenity, highways and environmental considerations have also been assessed and considered acceptable. Issues concerning the permanent replacement school are a matter for consideration under planning reference 20/1304/FUL.

## **Elected Representatives.**

Cllr Sowerby – Requested that the application be reported to Chipping Barnet Area Committee.

## **Officer Comment**

Further correspondence following receipt of the main school planning application advised that both applications would be presented concurrently to the main planning committee due to the borough wide strategic interest of the application.

## **Consultation responses from neighbouring associations other non-statutory bodies.**

No comments received from these bodies.

## **Consultation Responses from Statutory Consultees**

### **Sport England**

Thank you for consulting Sport England on the above planning application. The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 97) and against its own playing fields policy. Unfortunately there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. The current site is being used by cricket and football the proposed and existing site plans do not show the pitches. Therefore we require summer and winter playing pitches layouts showing dimensions from the cricket squares and football pitches in relation to the proposal; and
2. If there is to be any displacement of sport from the site due to the temporary use, we require to know the location for the proposed displacement.

Sport England's Playing Fields Policy and Guidance document, which includes the type of information required in order for us to evaluate a planning application against our policy, can be viewed via the below link:

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy) (see Annex B)

Sport England's interim position on this proposal is to submit a **holding objection**. However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally

responding to the consultation will not commence until I have received all the information requested above.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

#### Officer Comment

Following discussions with Sports England, the holding objection is tied into discussions in relation to the main school application, it is anticipated that this will be resolved prior to committee and will be reported in the Addendum.

In terms of displacement, please note Arkley Cricket Club have confirmed on 24th January 2020 that they have found a suitable alternative cricket pitch at Royal Veterinary College Hawkshead Lane, which they will utilise until such time as the cricket square and out-field is fully re-established within the playing fields. In addition, Whittington Cricket Club have found a suitable alternative cricket pitch at Lyttleton Playing Fields. Both clubs will be given first refusal to Dame Alice Owens Playing Fields once the works are complete. Please could this be added in here.

#### **Thames Water (TW)**

##### Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.



Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### **London Fire Brigade**

No objections raised.

#### **Metropolitan Police**

I have reviewed the crime rates in the local area of the proposed application on Police.uk and I have noted that the highest recorded issues impacting the local ward of Oakleigh are anti-social behaviour, vehicle crime, violence & sexual offences and theft offences.

The London Borough of Barnet as an entirety has a higher than average rate of burglary. Please see appendix for crime statistics.

I am aware of this development having met with the architects on 18/06/2019 to discuss their proposed 'phase 2' of the project, whereby they wished to engage with a DOCO for advice on the development. I had not seen their 'phase 1' plans until now.

I do have several concerns in respect of the proposal. This includes the consideration of chain link fencing as a boundary treatment and change of access into the park for park users, as it appears that the park will remain open to members of the public. I have made a number of recommendations and these can be found in Appendix 2.

I do not object to this proposal but would recommend that the attached guide, entitled 'Construction Site Security Guidance' (version 1) is adhered to by those implementing the proposal, if the plans are approved. This specific guide has been written by a Metropolitan Police Design Out Crime Officer (DOCO) to help improve construction site security and to prevent crime. The further recommendations in relation to the temporary school facilities within Appendix 2 should also be considered by those implementing the proposal.

It is also important to note that there is a duty for the principal contractor to "take reasonable steps to prevent access by unauthorised persons to the construction site" under The Construction (Design and Management) Regulations.

I would be grateful if you can please note my interest and keep me informed where relevant.

I would be happy to meet with the agent to discuss any of my recommendations in

more detail if required.

### Internal Consultation responses

#### **Transport and Regeneration**

No objections subject to appropriate conditions and travel plan. Detailed comments incorporated into officer report below.

#### **Environmental Health**

No Objections raised subject to the attachment of appropriate conditions regarding construction method extraction, noise mitigation and contamination.

## **2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

### **2.1 Site Description and Surroundings**

The application site currently comprises the main school building block, the pavilion, the care takers building and Dame Alice Owen's playing fields. Located off Chandos Avenue in Whetstone, the application site itself covers an area of approximately 3.6 hectares.

The Pavilion School at Whetstone is a pupil referral unit with an allotted maximum capacity of 73 no. pupils. Due to the nature of the school, the student population can fluctuate over different terms There are currently 43 no. pupils aged 11-16 and 20 no. (FTE) staff members.. The existing school currently operates from three interconnected blocks.

The existing Pavilion Clubhouse is a facility for local sports teams, primarily used on the weekend, and occasionally during the week outside of school hours.

The former caretaker's building, located on the application site, comprises a single 2-storey building and is located to the north of the site. The building is currently used for archiving for the school, however the Council and School are currently in the process of removing these items to an alternative off site location. The caretakers building currently has a canopy where pupils have external gardening and construction lessons.

Vehicular and pedestrian access to the site is gained via Chandos Avenue to the north of the site, which leads to a car park providing 20 no. unmarked car parking spaces. All accesses to the school are gated. There is no existing cycle parking.

The site is bounded to the north by residential dwellings off Chandos Avenue; to the east by residential dwellings of Oakleigh Park North and Maryrose Way; to the south by playing fields; and to the west by residential dwellings off Oakleigh Gardens. The wider surrounding area is predominately residential in character.

The site is not currently designated within the London Borough of Barnet Proposals Map (2006).

However, the site forms part of the Dame Alice Owen's Playing Fields.

The site is located within Flood Zone 1; therefore, land and property have a low probability of flooding.

No part of the site lies within the Green Belt or within a Conservation Area and there are no listed buildings on the site.

The school operates between 09:30 and 15:00. Pupils can enter the site before 09:30 for Breakfast Club which begins at 08:45. Gates close for the day at 17:00.

## **2.2 Description of the Proposed Development**

The proposed description of development is:

“Demolition of the existing caretakers house and the erection of a new 415.8sqm single storey temporary school building, two ancillary storage units, associated playground and car park and the construction of a temporary vehicular access off Maryrose Way”

The proposed works would in conjunction with the application for the permanent school building (reference 20/1304/FUL) involve the demolition of the existing three interconnected school blocks and Sports Pavilion and the construction of a new two-storey school building positioned partially on the existing car park and playing field to the north east of the site and the construction of a new single storey sports pavilion to the south west of the existing access road off Chandos Avenue.

Phase 1 of the development, comes under the remit of this planning application 19/5427/FUL involves the demolition of the existing caretakers house, and the erection of a temporary school building, two ancillary storage units, associated playground and car park and the construction of a temporary vehicular access via Maryrose Way.

Phase 2 of the development involves the erection of the new replacement school development under planning application 20/1304/FUL.

On completion of the main works, the temporary classrooms, storage containers, associated hard landscaping and temporary access from Maryrose Way will be removed and the land will be reinstated to playing fields.

Amount

The existing part one, part two storey caretakers building will be demolished (a total of 79sqm GIFA). The new one storey temporary school building will cover a footprint of 415.8sqm GIFA over one floor as shown below

	Breakdown (sqm)	Total (sqm)
Existing GIFA	Caretakers Building	79sqm
GIFA to be demolished	Caretakers Building	79sqm
Proposed new build GIFA	Temporary School Building	415.8sqm
Proposed new build GEFA	Temporary School Building	429sqm
Proposed storage containers GEFA	Storage Containers	29.768 sqm

School opening hours will be unchanged from the current school buildings i.e. between 8am to 5 pm although children are not present for all this time period.

### 3. PLANNING CONSIDERATIONS

#### 3.1 Principle of Development

The application proposes the demolition of the existing sports pavilion and main school building and erection of a new main school building and sports pavilion, with associated MUGA facilities and car parking.

Section 14 of the Education Act 1996 (the 1996 Act) places a general duty on local authorities to secure sufficient schools for providing primary and secondary education for their area. Schools available will be sufficient if they are sufficient in number, character and equipment to provide all pupils with appropriate education. Subsection (3A) requires a local authority to exercise its functions under this section with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

In relation to planning law Paragraph 94 of the NPPF advises that:

*'It is important 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:*

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

*b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

In terms of regional guidance London Plan 2016 Policy 3.18 advises that:

### **'Policy**

A The Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, including in parts of London with poor educational performance.

B The Mayor strongly supports the establishment of new schools, including free schools and opportunities to enable local people and communities to do this.

### **Planning decisions**

C Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand

D In particular, proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.

E Development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged.

F Development proposals that encourage co-location of services between schools and colleges and other provision should be encouraged in order to maximise land use, reduce costs and develop the extended school or college's offer. On-site or off-site sharing of services between schools and colleges should be supported.

G Development proposals that co-locate schools with housing should be encouraged in order to maximise land use and reduce costs.'

In terms of local Policy. Policy DM13 advises in relation to new community or educational uses that:

*'New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.'*

In terms of the current proposal, the Pavilion is a Pupil Referral Unit (PRU) that offers a range of educational programmes and services for young people unable to attend mainstream schools for a variety of reasons including social, emotional, behavioural and medical difficulties. The Pavilion is the London Borough of Barnet's main PRU, i.e. an establishment maintained by a local authority which is specifically

organised to provide education for children who are excluded, sick, or otherwise unable to attend a mainstream or special maintained school.

As such the school provides an important role over and above the number of children accommodated at the school in enabling the London Borough of Barnet to comply with the requirements of the Education Act to provide an education to all school aged children and also provides an important role in providing improved educational and life chances for children taught at the school. Along with following a mainstream education, the school provides additional vocational training and also provides medical and mental health support and behaviour improvement programmes. The school also acts as a centre providing support for mainstream schools and provides educational support to children at Barnet general hospital.

Given the bespoke nature of the educational facilities provided and given that the proposal effectively involves the replacement of an existing use of a similar size for a temporary period until a new replacement school is built under a separate permission, there is no in principle objection to the proposal subject to the assessment below in relation to issues such as design, relationship to neighbouring properties, impact on sports provision and traffic and highway considerations.

The replacement sports pavilion is also supported in policy providing a replacement sporting facility to enable the use of the adjoining open space.

### **3.2 Loss of Playing Field**

The application proposals involve locating the new school building partially on the existing car park and playing field to the north east of the site. The proposal involves the permanent loss of a small area of playing field space, which equates to 1.1% of playing field space. As such an assessment of the proposal against planning policy in regards to safeguarding playing fields needs to be carried out.

#### **NPPF**

Paragraph 97 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 benefits of which clearly outweigh the loss of the current or former use.”

#### **London Plan**

7.35 Policy 7.18 states the loss of 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

#### **Barnet Core Strategy**

7.36 Policy CS7 states that the Council will create a greener Barnet by protecting open spaces, including Green Belt and Metropolitan Open Land.

### **Barnet Development Management Policies**

Policy DM15 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:

- a. The development proposal is a small scale ancillary use which supports the use of the open space or
- b. Equivalent or better quality open space can be made.

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

In areas which are identified as deficient in public open space, where the development site is appropriate or the opportunity arises the council will expect on site provision in line with the standards set out in the supporting text of Policy CS7.

Sport England's Playing Field's Policy (March 2018) states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field, unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

The specific circumstances are:

**Exception 1:** A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

**Exception 2:** The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

**Exception 3:** The proposed development affects only land incapable of forming part of a playing pitch and does not: reduce the size of any playing pitch; result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site.

**Exception 4:** The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: of equivalent or better quality, and of equivalent or greater

quantity, and in a suitable location, and subject to equivalent or better accessibility and management arrangements.

**Exception 5:** The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The proposal seeks to locate the temporary school building, playground and car park on playing field land located to the west of the existing caretakers building. The proposal does not involve the permanent loss of any playing field land as when the construction period of the main school building is finished, subject to planning application 20/1304/FUL, the area will be re-instated as playing field land. Therefore, any loss of playing field land/ open space will only be temporary. It is therefore considered that the proposal would be acceptable in broad accordance with the above mentioned policies.

### **3.3 Design**

The National Planning Policy Framework (revised, 2019) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states 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. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan 2016 also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan 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. Architectural design criteria are set out at policy 7.6.

Draft Replacement London Plan (DRLP) policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of use of attractive, robust materials which weather and mature well. Policy D2



(Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

### **Layout, Height, bulk, scale and massing**

Existing access to the site for staff and pupils is via an existing single lane accessway from Chandos Avenue.

A new construction route is proposed to be erected from Maryrose way through the garden of the care home located on this road. This construction route will allow for the construction of the temporary classroom and also the construction of the new school building under planning reference 20/1304/FUL. This will also be used as access for staff and pupils until such stage as construction of the temporary school facilities have been completed.

In relation to the school buildings themselves, the school is proposed to be a single storey modular building to be constructed to the west of the existing school within the open space of Dame Alice open space. The buildings are flat roofed and not too dissimilar in appearance to the existing school buildings.

The proposed scale and massing of the temporary buildings as proposed are considered proportionate to prevailing pattern of development in the locality and would be in keeping with the character and appearance of the surrounding area.

### **Materials**

The temporary school building consists of a modular building to allow for ease of construction and to allow easy removal and reversion to playing fields following the completion of the main school building. The external walls will consist of flat plastic-coated steel sheet on an MDF back board, with a plastic-coated steel roof. The windows will consist of white uPVC and the doors will consist of powder coated steel.

•

### **Conclusion**

Given the proposed temporary nature of the buildings, the proposed appearance and materials are considered appropriate in this instance.

### **3.5 Amenities of Neighbouring and Future Residents**

Part of the 'Sustainable development' imperative of the NPPF 2012 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2016 policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

#### **Privacy, overlooking and outlook**

The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The proposed temporary school building is single storey and located 18m from the rear gardens of properties in Chandos Avenue. As such the proposal clearly exceeds the minimum standards outlined in the SPD and won't result in any loss of privacy or outlook.

#### **Daylight and Sunlight**

The application proposals are single storey only located 18m to the north of the rear gardens of properties in Chandos Avenue, given the above the proposal would not cause any significant loss of daylight or sunlight to neighbouring residential properties or gardens.

#### **Noise and general disturbance**

It is anticipated that a level of noise would be generated from the development during the hours of use of the school. However the principle of a school on this site has already been established by the existing school buildings, no increase in capacity is proposed under this application and the number of pupils at the school is a lot smaller than a traditional school.

The proposed temporary buildings are also located over 18m from the rear of gardens in Chandos Avenue which is greater than the existing school buildings. In relation to the outdoor play area, this is located to the south of the proposed temporary school buildings reducing the likelihood of noise transmission to houses in the north.

The main disturbance to neighbouring properties is likely to be noise from construction, this is predominately covered in subsequent sections of this report,

however with safeguarding conditions covering construction management and hours of operation and given the temporary nature of any disturbance this is considered acceptable and does not warrant the refusal of the application.

In this instance it is therefore not considered that noise disturbance to neighbouring residents would not be significantly detrimental to the amenities of surrounding occupiers and users and would not justify a refusal of planning permission.

#### Air quality

In respect of air pollution, the Council's Environmental Health officer has advised that there are no concerns of poor air quality due to the distance of the site from neighbouring roads. Given that the proposal is a temporary school it is not considered the proposal would adversely affect air quality as a result of its proposed use. Conditions are attached in the form of a construction management plan to ensure that construction does not result in any

### **3.6 Transport, highways and parking**

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 and more environmentally friendly transport networks, require that development is matched to capacity 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.

The road fronting the site is Chandos Avenue. Chandos Avenue is a local residential road fronted by large detached houses with large front gardens with space to accommodate at least 4 cars. Several of the properties in the vicinity of the site have white lines marked in front of their crossovers to deter obstructive parking.

The site is not in a CPZ and there are no yellow lines/parking restrictions in place in Chandos Avenue, however there are some existing yellow lines on Maryrose Way and Oakleigh Park including in the position of the temporary access road.

The current access off Chandos Avenue will be closed during the construction of the temporary school building in order to undertake utility works. During this period the existing school site will be accessible via the proposed new temporary access road off Maryrose Way. This access will be utilised for construction and school traffic. On completion of the temporary school site, the existing vehicular and pedestrian access via Chandos Avenue will be re-opened to access the temporary school building and playing fields, with construction vehicles continuing to use the temporary access off Maryrose Way.

It is acknowledged that Maryrose Way is currently a Cul-de-Sac and as such would not normally be first choice for constructing a temporary construction access road, however there are no other alternative options and this route is considered acceptable in this instance subject to the attachment of safeguarding measures on this road to ensure safety of vehicles and pedestrians. It is noted that measures could include restrictions in operating hours, use of banksmen and regular wheel washing and cleaning of vehicles. This is covered by the Construction Management Plan. Details of separate ingress and egress for vehicles and pedestrians is also secured by condition.

The quantity of parking which is the same as existing is considered acceptable in principle. While electrical vehicle charging and cycle parking would normally be required, given that these do not exist at present and will be provided under the main consent it is not considered necessary for them to be provided in this instance due to the temporary nature of the works. A condition is however attached requiring the adoption of a travel plan which should effectively duplicate the requirement to produce a travel plan on the main school proposals.

Overall subject to conditions the proposal is considered acceptable and would not adversely impact upon highway safety or capacity in the vicinity of the site.

### **3.7 Waste and Recycling**

Although the NPPF does not contain specific waste policies, it does state that part of the environmental dimension to 'sustainable development' is waste minimisation (para 7). As part of London Plan 2016 Chapter 5 'London's Response to Climate Change' policy 5.17 seeks suitable waste and recycling storage provision in new developments as does the Barnet Core Strategy DPD 2012 policy CS14 which also promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill.

The applicant has advised that refuse collection will continue as at present with bins wheeled to Chandos Avenue on collection day. This is considered acceptable.

### **3.8 Energy, Sustainability, and Resources**

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

London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve zero carbon on new residential developments post 2016. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in 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. The Further London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).

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 Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

Given the temporary nature of the application no energy report has been submitted with this application, this is considered acceptable in this instance.

### **3.9 Landscaping, Trees and biodiversity**

The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2016 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

#### **Trees and Landscaping**

The application is accompanied by an arboricultural assessment in support of the application. The report identified 31 individual trees, 19 groups of trees and 1 hedgerow. The redevelopment proposals will lead to the loss of 5 no. trees/ groups and section of one further group that would be lost as a result of the enabling works proposal, and an additional 1 category C tree under the full application. However all of these trees are also categorised as either Category C or U and no higher value category A or B trees are proposed to be removed either under this application or the full school application proposals. Tree protection measures are also proposed to safeguard retained trees including protective barriers and the use of 3d cellular confinement systems.

In order to mitigate the loss of trees, the landscaping strategy for the full application proposes the planting of 18 new replacement trees to be planted along the edges of the plot, adjoining the car park and framing the new school entrance. In addition to this lower level shrub and hedgerow planting is proposed to the rear of the new sports pavilion building and to the rear of the car parking backing onto the rear of properties on Chandos Avenue.

#### **Ecology and Biodiversity Enhancement Measures**

A Phase 1 habitat survey and protected species assessment have been submitted in support of the application. A bat survey has also been carried out.

The surveys conclude that the site holds moderate ecological value, with habitats that could support protected species such as the buildings, mature trees, scrub and introduced planting present. There is one statutory site within 1km of the site and the closest non-statutory site is 425m each of the site.

Given the small scale of the works occurring on the site, the report considers it unlikely that any statutory or non-statutory site sites will be adversely affected by the development works. The report proposes a number of ecological enhancements including lighting in line with BCT guidelines, installation of bat and bird boxes, and use of native planting or planting which is beneficial to wildlife.

The bat survey concluded that no bats were seen to emerge from the building on the site, there was however a considerable amount of activity on and around the site. The bats used the tree lines as commuting features and also foraged over the playing field. The report recommends the adaptation of the above ecological enhancement measures and also careful design of any lighting. These matters are considered more reasonably controlled under the main works application, as this is the relevant stage to secure biodiversity improvements rather than under this temporary works application.

#### Flood risk, Water Resources, Drainage and SUDs

In respect of flood risk, the site is within Flood Zone 1 which is classified as being of low risk of flooding. The proposed development is acceptable in this zone and there is no requirement for exception and sequential testing of the acceptability of the scheme. The site is also less than 1 hectare in site area and as such does not require the submission of a flood risk assessment. It is noted that SUD's are proposed under the main school application.

### **3.10 Other matters**

#### Utilities

Thames Water have provided comments confirming no objections to the proposal and as such it is not considered that the proposal would affect utility infrastructure in the vicinity of the site.

#### Ground conditions and Contamination

In regards to potential contamination, the Council's environmental health officer has confirmed no objection and no need to attach contaminated land conditions due to the previous history of the land (open space) and the modular nature of the construction.

## **4. EQUALITY 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; and
- sexual orientation.

Officers have in considering this application and preparing this report had 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 site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

The development includes level, step-free pedestrian approaches to the main entrances to the school building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. The proposed school also caters for a marginal sector of society and as such would make a positive contribution towards improved equalities provision. Dedicated parking spaces for people with a disability are also provided in accordance with Policy.

## **7. CONCLUSION**

In conclusion, the scheme is considered acceptable on balance having regard to relevant national, regional and local planning policies and guidance. The principle of the provision of the school is considered acceptable providing much needed additional school places and accords with national, regional and local plan policy guidance

The proposed detailed design is considered to acceptable given the temporary nature of the proposal.

The amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposals.

The potential transport impacts of the scheme have been considered and appropriate mitigation proposed in the form of a construction management plan and travel plan.

A suitable approach is taken to landscaping and biodiversity with retention of trees where possible as well as enhancement of the biodiversity values within the site with appropriate replacement planting under the full replacement school application.

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 development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly **APPROVAL** is recommended subject to conditions as set out above.



**SITE LOCATION PLAN: Pavilion Study Centre, 58B Chandos Avenue,  
London, N20 9DX**

**REFERENCE: 19/5427/FUL**

