

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

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).

- 5 The approved development shall only be used as ancillary to the school only and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use in order to safeguard the amenities of the area in accordance with Policy DM01 of

the Development Management Policies DPD (adopted September 2012).

- 6 The use of the development hereby approved shall only be permitted between the hours of 8.00am and 6pm on Mondays to Fridays and not at any time on Saturdays or Sundays. On no more than 12 occasions in any 1 calendar year, school-related events may take place outside the permitted hours, but shall be restricted to the hours of 8.00am to 10.00pm on those days.

Reason: To enable the Local Planning Authority to exercise control of the type of use in order to safeguard the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o 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.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o 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.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a two storey property named Arbiter House which is used as the Beis Soroh Schneirer Primary school. The school has been on the present site since 2005.

The surrounding area is mixed in character and uses with to the immediate south is the West Hendon Baptist Church, to the east is Wilberforce House an office premises and beyond this is Hendon Railway Station. The property runs along the eastern edge of Wilberforce road, with the western side of the street made up of a collection of terraced two storey residential dwellings. To the rear of the site is a large commercial premises.

The application site is not Listed, nor is it located within a Conservation area. There also are no protected trees on site.

2. Site History

Reference: 16/7956/FUL

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Refused

Decision Date: 28 February 2017

Description: Creation of 6no parking spaces. New vehicular access and hardstanding

Reference: H/04869/08

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Approved following legal agreement

Decision Date: 27 November 2009

Description: Continued use of building as primary school (Class D1) with removal of condition No. 1 of appeal decision reference APP/5090/C/05/2004650 for use to be discontinued on or before 31 December 2008.

Reference: W00154AX/05/ENF

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Application Received

Decision Date: No Decision Made.

Description: Retention of use of Existing Warehouse (Class B8) and Offices (Class B1) to Primary School

Reference: W00154AT/05

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Refused

Decision Date: 13 July 2005

Description: Conversion of existing warehouse (class B8) to primary school and other associated community uses (Class D1).

3. Proposal

This application seeks permission for the creation of roof top playground including

associated boundary treatment, external staircase and lift.

The proposed play space would be on top of the existing roof of the property with an overhang along the eastern flank wall.

The proposed play area would have a depth of 56 metres from the northern edge of the external staircase to the southern point of the play area, set back 10 metres from the principle elevation of the property.

The proposed would have a width of 12.7 metres, and at a platform height of 16 metres from ground level.

The resultant play area would have a square meterage of 620sqm with a boundary fence of 2.5 metres in height around the perimeter of the play area with a metal fence, the highest 1.2m of which would be crosshatched.

4. Public Consultation

Consultation letters were sent to 91 neighbouring properties.

26 responses have been received, comprised of 26 letters of objection.

The letters of objection can be summarised as follows;

- Concerns regarding loss of privacy to neighbouring properties.
- Concerns regarding loss of outlook to neighbouring properties
- Concerns regarding loss of sunlight and moonlight to neighbouring occupiers.
- Concerns regarding requirement for additional lighting and subsequent impact on neighbouring occupiers.
- Concerns regarding noise and disturbance due to the proposed development on neighbouring occupiers.
- Concerns regarding potential increase in student or staff numbers due to development and subsequent impact on amenities of neighbouring occupiers and access to parking.
- Concerns regarding health and safety of children playing at roof level and close proximity of railway tracks.
- Suggestions to use existing car park as playground and staff to use public transport.
- Concerns regarding potential after school hour use for other purposes and disturbance arising from this.
- Concerns regarding increase in pollution.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was revised on 19 February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Draft London Plan

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out pursuant to Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Other Matters

5.3 Assessment of proposals

- Preliminary Matters

The application site has been subject to several planning applications and enforcement appeals in the past. The use of the site as a permeant D1 use was established under planning application H/04869/08 on the 27th November 2009.

Since this time the property has been continually operated on site as a full-time primary education school. In light of the permanence afforded to the use since 2009, the school has been looking for ways in which to provide outdoor amenity space for the children within the school.

At present the small play area has been amalgamated into the existing car park on site and is intermittently cordoned off whilst children are playing. It is surrounded by vehicular parking which is not ideal from a health and safety perspective. Within discussions throughout the application process, the applicant did highlight that they had considered creating a more permanent separate area at ground floor, however in order to provide the required level of amenity space they need this would have resulted in loss of parking spaces which could attribute to more demand for off-site for parking.

As such, the school have chosen to apply for a roof top playground in order to try and provide a safe and secure play space whilst ensuring there is no loss of vehicular parking on site. Below is a full assessment of the scheme and the potential impacts.

- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;

As stated within the site description, the surrounding character of the application site is mixed with to the immediate south is the West Hendon Baptist Church, to the rear, Wilberforce House an office premises and beyond this is Hendon Railway Station. The property runs along the eastern edge of Wilberforce road, with the western side of the street made up of a collection of terraced two storey residential dwellings.

Development must be informed by the surrounding character and the Local Planning Authority must ensure that there is no detrimental impact on surrounding character in accordance with Policy DM01 of the Development Management Policies DPD.

Analysing the typologies of the area it is clear that there is no distinct or predominant characteristics surrounding the setting of the application site

Adjacent to the application site to the west runs the row of terrace two storey Victorian properties along Wilberforce Road.

Directly to the south is a two-storey office block of similar 60's architectural style as the application site, and then the West Hendon Baptist Church south of this which is more architecturally traditional suburban design with its hipped roof and mock tudor features.

To the north of the site is a two storey industrial building of similar architectural detail to the property.

Adjacent to the east is the railway tracks and Hendon Railway Station and associated overhead railway lines and platform bridge. Further east, of the station there is the M1 with associated street lighting and overhead signs.

The proposed play area would be located at roof level along the eastern boundary of the site adjacent to the railways and associated infrastructure. Officers consider that the structure itself and associated pylons and metal boundary treatment given its close proximity along the eastern elevation would not be harmful to the character of this particular part of the site.

Since submission officers have requested a set back of 10 metres from the principal elevation to ensure its level of prominence is reduced when viewed northwards along Wilberforce Road. The playground is also set to the western side of the ridge line of the property, resulting in a set back of 20 metres from the flank elevation fronting Wilberforce Road.

Officers consider that the level of set back proposed to the principle and western elevation are sufficient to ensure the roof play are when viewed from Wilberforce road would not result in an overbearing feature to the detriment of the surrounding character.

Officers have considered the perception of the structure from the only other public vantage point when heading along Station Road in a south westerly direction and although consider the structure will be visible from this vantage point, the structure would be partly obscured by Hendon station and viewed within the conglomeration of associated railway infrastructure including pylons, overhead electrified lines, the pedestrian platform bridge and railway lighting. Officers consider that given the setting of the site the impact on character would not be detrimental to the extent to warrant a refusal.

For the reason highlighted above, the proposed works are not considered to result in any unacceptable impact to the character and appearance of the existing property, street scene or wider locality - in accordance with Policy DM01 of the Development Management Policies DPD.

- Whether harm would be caused to the living conditions of neighbouring residents;

It will be important that any scheme addresses the relevant Development Plan policies (for example Policy DM01 of the Barnet Local Plan and Policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be

excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The use of surrounding properties is a material consideration in the assessment of impact on amenity of the proposed scheme. The surrounding commercial and office uses are considered less sensitive to changes that may impact light or outlook compared to residential properties due to their intermittent use and the transient nature of the occupants.

As such, in light of the sites locality and surrounding context, the main amenity considerations are the potential impact on the residential and visual amenity of the neighbouring residential occupiers along Wilberforce Road. As stated, officers have been working with the applicants during the application process to reduce the mass from the western and southern elevations which has helped to alleviate the potential issues.

With regards to the potential issues regarding privacy of neighbouring occupiers from overlooking, officers requested a section to show any potential line of sight from the play area to neighbouring habitable windows.

The section indicates that even when stood at the closest point of the play area looking towards the properties along Wilberforce Road in order for a persons line of sight to not be obstructed by the western eaves of the building they would need to have a minimum height of 2 metres. Furthermore the maintained distance between the westernmost point of the play area and the first floor windows of the properties along Wilberforce Road is 37.5 metres. Considering these factors, officers are satisfied the proposal will not result in any loss of privacy to neighbouring occupiers.

Furthermore, in light of the maintained gap of 37.5 metres and that due to the eaves of the building only the highest 0.5 metres of the structure will be visible from these properties, officers are satisfied the proposal will not result in an obstructive feature or result in any significant loss of light to neighbouring properties.

With regards to the potential for noise and disturbance, officers have taken into consideration the existing situation on site. At present, the children are using part of the ground floor car park as a play area which is significantly closer to the residential properties along Wilberforce Road.

The LPA has been in discussions with the Environmental Health Team to ascertain the potential impact of the development and movement of the play area from the existing situation to the roof top. Environmental Health Officers reviewed the ambient background levels of noise at the site and surrounding area and established that the ambient noise levels along the western boundary where the play area will be located is significantly higher than the existing location of the play area. They are satisfied that the proposal although on the roof top, given the higher levels of ambient noise in the proposed location and further set back from residential properties would not result in any additional noise and disturbance than the existing situation on site. Therefore, in this regard, the proposal would have an acceptable impact on neighbouring amenity from a noise and disturbance perspective.

Officers have also considered the proposals potential impact on the neighbouring office premise, Wilberforce House to the south east of the site. Officers do note that the neighbouring property is sited at a higher level than the present play area which will to some extent mitigate the existing levels of noise and disturbance. Officers did consider during the

assessment process how the raising of the play area to a similar level as the windows of the office block would impact the neighbouring occupiers.

After assessment it is evident the majority of the windows on Wilberforce House are located on the east and western elevations which at present the western side overlooks the existing location of the play area within the car park. Officers consider the relocation of the play area to the roof top north of Wilberforce House which benefits from substantially less fenestration on its northern elevation will result in an improvement with regards to noise and disturbance. With regards to potential amenity impacts to light and outlook, given the proposal would be situated directly north and set back at least 15 metres from the closest flank elevation of the neighbouring property it is not considered there would be any unacceptable impact on light or outlook. Officers do not consider there would be any unacceptable impacts on light or outlook.

In order to ensure that the proposed play area is only used for purposes incidental to the school use and within the permitted hours for the school conditions will be attached to this effect. If operated outside of these hours the school would be breaching its conditions in the event of an approval and this could be referred to the Enforcement Team who would investigate.

Overall for the reasons highlighted above, officers do not consider the proposed to result have any unacceptable impact on the residential or visual amenities of neighbouring occupiers, in accordance with Policy DM01 of the Development Management Policies DPD.

- Other Matters

The LPA have also discussed with environmental Health the potential impacts on air pollution and the potential harm to children and the health and safety of children playing at roof level to ensure the proposal are acceptable in this regard.

With regards to potential pollution, Environmental Health Officers do not consider that the proposed location of the play area would result in a situation that would be worse than existing considering at present the children playing at ground level are almost at the same level as the railway lines, the proposal will be albeit closer being above the railway lines.

With regards to health and safety, at present the children are playing in essentially a small intermittently cordoned off part of the car park which poses a health and safety risk from movement of vehicles. The proposed although tarof top would be secured with considerable boundary treatments including on the external stairwell. Officers will condition exact details of boundary treatments to be submitted prior to occupation to ensure the resultant development is acceptable.

Environmental Health have also recommended given the use of the site and sensitive nature of the surrounding area that a condition is attached required the submission of a Demolition and Construction Management Plan to be submitted to and approved by the council prior to commencement of the works.

This will include detailing mitigation measures to reduce noise and disruption, proposed vehicular access and delivery times for construction materials and dust suppression in order to minimise disruption to neighbouring residents during the construction works. Officers have attached a condition required such details.

- Highways

The application does not propose any additional teaching space nor any uplift in school children numbers or staff numbers and thus there is no expected increased parking demand over the existing. Furthermore, the number of children permitted at the premises has been conditioned previously under application H/04869/08 and thus the property would require separate planning permission in the event the school did wish to increase school numbers.

In light of the above, the proposal is not considered to have a detrimental impact on the local highways network in accordance with Policy DM17 of the Development Management Policies DPD.

5.4 Response to Public Consultation

- Concerns regarding loss of privacy to neighbouring properties; this has been addressed within the main body of the report.
- Concerns regarding loss of outlook to neighbouring properties; this has been addressed within the main body of the report.
- Concerns regarding loss of sunlight and moonlight to neighbouring occupiers; this has been addressed within the main body of the report.
- Concerns regarding requirement for additional lighting and impact on neighbouring occupiers.
- Concerns regarding noise and disturbance due to the proposed development on neighbouring occupiers; this application does not seek permission for any additional external lighting. Any additional external lighting would be subject to a separate application.
- Concerns regarding potential increase in student or staff numbers due to development and subsequent impact on amenities of neighbouring occupiers and access to parking; this application does not result in any increase in teaching space and thus it is not considered would result in any additional staff or children. Furthermore, the number of student permitted at the school is subject to condition 3 of the previous permission (H/04869/08)
- Concerns regarding health and safety of children playing at roof level and close proximity of railway tracks; this has been addressed within the main body of the report.
- Suggestions to use existing car park as playground and staff to use public transport; officers can only consider the proposal that has been submitted.
- Concerns regarding potential after school hour use for other purposes and disturbance arising from this; hours of use of the premises and both subject to conditions (no.1 and no.5) in the previous permission (H/04869/08). If the school is open outside the times permitted or used for anything other than Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order then this is a matter that should be referred to the Enforcement Team. The application will include conditions to ensure the use of the playground is ancillary to the principle use of the

site and will also restrict opening hour sin line with those conditioned within the aforementioned planning permission.

- Concerns regarding increase in pollution; this has been addressed within the main body of the report.

6. 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;
- 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 proposed development would provide considerably improved new facilities for an educational use.

In terms of likely negative impacts, the application has attempted to address these through the amendments and discussions of the design proposals. It is suggested that the majority of impacts have been alleviated through amendments and that any others can be mitigated through conditions that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

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. The development would therefore 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 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 our Equality Scheme and supports the council in meeting its statutory equality responsibilities

7. Conclusion

This proposal is recommended for APPROVAL subject to conditions

