

**Location** **50 Moxon Street Barnet EN5 5TS**

**Reference:** **21/6488/FUL** Received: 13th December 2021  
Accepted: 17th December 2021

Ward: High Barnet Expiry 18th March 2022

**Case Officer:** **Josh Mclean**

Applicant: c/o agent

Proposal: Part demolition, alterations and extensions and change of use of the existing building from Class B8 to Class F1 to provide a 90 pupil 5-18 years SEN School including rooftop recreation addition (MUGA and Sensory Garden), landscaping, access and visitor, disabled and school mini-bus drop-off / pick-up arrangements.

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

6APFSF39-JAC-00-XX-DR-A-0001 P03 (OS Location Plan)  
6APFSF39-JAC-00-XX-DR-A-0002 P03 (Existing Site Block/Externals)  
6APFSF39-JAC-00-XX-DR-A-0003 P03 (Proposed Site Block/Externals)  
6APFSF39-JAC-00-GF-DR-A-0004 P03 (Existing Ground Floor Plan)  
6APFSF39-JAC-00-01-DR-A-0005 P03 (Existing First Floor Plan)  
6APFSF39-JAC-00-02-DR-A-0006 P03 (Existing Second Floor Plan)  
6APFSF39-JAC-00-LR-DR-A-0007 P03 (Existing Roof Plan)  
6APFSF39-JAC-00-GF-DR-A-0008 P03 (Proposed Ground Floor Plan)  
6APFSF39-JAC-00-01-DR-A-0009 P03 (Proposed First Floor Plan)

6APFSF39-JAC-00-02-DR-A-0010 P03 (Proposed Second Floor Plan)  
6APFSF39-JAC-00-LR-DR-A-0011 P03 (Proposed Lower Roof Plan)  
6APFSF39-JAC-00-UR-DR-A-0012 P03 (Proposed Upper Roof Plan)  
6APFSF39-JAC-00-XX-DR-A-0013 P03 (Existing Site/Building Sections)  
6APFSF39-JAC-00-XX-DR-A-0014 P03 (Proposed Site/Building Sections 1)  
6APFSF39-JAC-00-XX-DR-A-0015 P03 (Proposed Site/Building Sections 2)  
6APFSF39-JAC-00-XX-DR-A-0016 P03 (Existing Elevations 1)  
6APFSF39-JAC-00-XX-DR-A-0017 P03 (Existing Elevations 2)  
6APFSF39-JAC-00-XX-DR-A-0018 P03 Proposed Elevations 1)  
6APFSF39-JAC-00-XX-DR-A-0019 P03 Proposed Elevations 2)  
6APFSF39-JAC-00-XX-DR-A-0020 P03 (North Elevation in Context)  
0001 (Topographical & Utility Survey)

Basic Air Quality Assessment Rev P01 (Sweco, dated 23/04/2021)  
Daylight and Sunlight Assessment for Planning Issue 3 (T16 Design Led, dated December 2021)  
Design and Access Statement Rev2 (Jacobs, dated 17/12/2021)  
Energy Strategy P02 (Jacobs, dated 08/12/2021)  
Framework Travel Plan (Jacobs, dated 14/12/2021)  
Geo-environmental Site Assessment 1922014-R01(01) (RSK Geosciences, dated November 2021)  
HVAC & Domestic Hot Water Planning Statement P01 (Jacobs, dated 15/10/2021)

Planning Statement (Carter Jonas, dated December 2021)  
Noise Impact Assessment R02 (Jacobs, dated 10/12/2021)  
Sequential Site Selection Assessment (Carter Jonas, dated December 2021)  
Sustainable Drainage Systems Assessment Form  
Transport Statement (Jacobs, dated 15/12/2021)  
Transport Statement Addendum (Jacobs, dated 02/02/2022)  
Windmill School Fire Statement (Jacobs, dated 09/12/2021)

Letter from DfE regarding contribution for Travel Plan Monitoring Fee, dated 10.03.2022.

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 plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 3 a) Prior to their installation, details of the materials to be used for the external surfaces of the buildings and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 Policy D4 of the London Plan 2021.

- 4 a) Prior to commencement of development, 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 5 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
- Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register

at <https://nrmm.london/>

Reasons: In the interest of good air quality.

- 6 The level of noise emitted from any ventilation / extraction plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property in accordance with BS 4142 (2014) Methods for rating and assessing industrial and commercial sound.

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).

- 7 a) No development (excluding demolition and site preparation works) shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant in accordance with Building Engineering Services Association (BESA0 'DW172: Specification for Kitchen Ventilation Systems'. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 8 Prior to the first occupation of the development hereby approved, the parking layout as shown on 6APFSF39-JAC-00-XX-DR-A-0003 P03 (Proposed Site Block/Externals) showing 5no. standard parking bays, 2no. disabled bays, 3no. enlarged bays and 3no. minibus drop-off bays shall be fully implemented and shall thereafter be kept available / maintained for such use at all times.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 9 Prior to the first occupation of the development hereby approved, details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority.

Thereafter, before the development hereby permitted is occupied, 22 cycle parking spaces (20 long-stay and 2 short-stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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 Prior to the first occupation of the development, full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (2 active and 8 passive).

The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy T6 of the London Plan 2021.

- 11 Prior to the first commencement of the development hereby approved, a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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.

- 12 Prior to the first occupation of the development hereby approved, a full Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- The criteria for allocation of parking spaces;
- How illegal parking will be enforced; and

- The steps to prevent unauthorised use of the proposed parking spaces.

The development thereafter shall only be operated in accordance with the approved delivery service plan.

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.

- 13 Prior to the commencement of the development (excluding demolition or site preparation works), details of improvements to the existing access shall be submitted to and approved in writing by the Local Planning Authority. Highways' Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200 and the applicant shall enter into a s278 agreement with the council to deliver any off-site highways works. The works approved shall be constructed in accordance with the approved details before the site is occupied.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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.

- 14 Within 3 months of occupation, a full Framework School Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently Travel Planning for new development in London incorporating deliveries and servicing and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car modes of transport such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

- 15 No development shall commence (excluding demolition) until a mechanism for the payment of the School Travel Plan Monitoring Contribution has been entered into with the Local Planning Authority. The terms of the obligation shall be as set out by the Local Planning Authority in correspondence dated 10 March 2022 which is based on the requirements of the Barnet Travel Plan SPD.

Reason: The condition will ensure the continued monitoring of the school's Travel Plan and encourage a model shift in travel patterns pursuant to Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012

DM17.

- 16 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

- 17 Prior to the first occupation of the development hereby approved, the Secure by Design measures, as detailed within the approved drawings, Design and Access Statement and within the email from Carter Jonas, dated 10/03/2022, shall be implemented / installed within the development and maintained throughout the lifetime of the school use.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 18 Prior to internal fit out of the new school buildings a Security Measures Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Security Measures Scheme shall include (but is not limited to) the following details:

a) An appropriate electronic access control system and operating procedure capable of securing the school;

The Security Measures Scheme shall thereafter be implemented as approved and maintained throughout the lifetime of the development.

Reason: to protect pupils, staff and visitors using the school in the event of an unlawful incursion including a Marauding Terrorist Threat (MTA) at the premises or nearby in accordance with Policies CS5 and CS12 of the Barnet Local Plan Core Strategy DPD (2012) and Policy D11 of the London Plan (2021).

- 20 a) A scheme of hard and soft landscaping, including size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or

commencement of the use.

c) Any trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 21 Prior to the first occupation of the approved development, all biodiversity and ecological enhancement measures as set out in approved Design and Access Statement Rev2 by Jacobs (dated 17.12.2021) shall be installed and maintained in perpetuity.

Reason: The above condition would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2021.

- 22 a) Before the first occupation of the development hereby approved, a scheme detailing all play equipment to be installed in the lower roof plan (dwg no. 6APFSF39-JAC-00-LR-DR-A-0011 P03) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policies S3 and S4 of the London Plan 2021

- 23 Prior to the first occupation of the development hereby approved, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority.

The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan.



- 24 The proposed school shall achieve a minimum of BREEAM Very Good. Within three months of first occupation of the building, a copy of the summary score sheet and BREEAM Post Construction Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan.

- 25 Prior to the commencement of the development (not including demolition or site preparation works), a detailed energy strategy of the new build element of the proposals shall be submitted to and approved in writing by the local Planning Authority. The detailed energy strategy shall demonstrate that London Plan targets shall be met within the framework of the energy hierarchy of Be Lean, Be Clean, Be Green, Be Seen.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and Policy SI 2 of the London Plan (2021).

- 26 Prior to the first occupation of the development hereby approved, details and specifications of all external lighting around the building and MUGA to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The strategy shall be designed to minimise potential disturbance on sensitive receptors, such as neighbouring residential properties and Hadley Wood Hospital.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that appropriate lighting is provided as part of the development and to ensure that any protected species present are not adversely affected in accordance with Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

- 27 At no time shall the total number of pupils in the school hereby approved exceed 90.

Reason: To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies in the Barnet Local Plan and London Plan.

- 28 The development hereby permitted shall not be occupied by pupils outside the hours of 08:00 hours and 17:00 hours Monday to Friday, with the exception of special events, details of the number and extent of which shall be submitted and agreed by the Local Planning Authority prior to any such events taking place.

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.

- 29 Notwithstanding the provisions of Part 32, Class A to schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order) no extensions to the school hereby permitted shall be erected without express planning permission first being obtained.

Reason: To enable the local planning authority to retain control over these matters in the interests of controlling the intensity of use.

- 30 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 34% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and Policy SI 2 of the London Plan 2021.

- 31 No construction work resulting from the planning permission 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).

#### **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, 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.
- 2 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.

- 3 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:

- Flue(s) must be 1.5 m\* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. \*If the flue is in a Conservation area, then this height may be reduced to 1m above eaves.

- 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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.

- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the councils Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk)

- 5 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.
- 6 Refuse collection point should be located at a ground floor level and within 10m of the collection point. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road, then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 7 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 works on the public highways.
- 8 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.

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.

- 9 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.

- 10 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. 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 [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

## **OFFICER'S ASSESSMENT**

This application is being referred to the Strategic Planning Committee under the following function of the Council's constitution:

*"Does not accord with the provisions of the Development Plan and, in the opinion of the Chief Planning Officer, constitutes a significant departure."*

### **1. Site Description**

The site comprises of circa 0.2 hectares and consists of a three-storey building located within the Hadley Manor Trading Estate, towards the eastern end of Moxon Street on its southern side. The existing use of the building is storage or distribution (Use Class B8). The building is currently vacant.

The site slopes downwards along Moxon Street in a West - East direction. Due to the steep gradient of this site, the road frontage varies between one and three storeys in height on its street frontage.

The site is accessed from Moxon Street with an internal access road routed around three sides of the building.

The site is immediately adjacent to, although outside the Chipping Barnet Town Centre boundary and the Wood Street Conservation Area. The Green Belt also lies to the east beyond the industrial estate boundary.

Also within the Trading Estate is Hadley Wood Hospital which adjoins the site on its eastern side, with two further commercial properties (a car dealership and Howdens Joinery) beyond that at the eastern end of Moxon Street. To the north lies the rear gardens of the residential properties on South Close, a terrace of two-storey houses adjoins to the west and four-storey residential blocks lie to the south.

The site has a moderate PTAL rating of 3 and lies within Flood Zone 1.

### **2. Site History**

Reference: 20/4996/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Withdrawn

Decision Date: 25.01.2021

Description: Extension of existing building to provide co-working space (Use Class E) and co-living (Use Class Sui Generis) ancillary facilities and shared amenity space, together with landscaping, cycle parking and disabled parking

Reference: 18/4442/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved following legal agreement

Decision Date: 17.09.2019

Description: Additional storey at third floor level to provide 7 x 2 bed self-contained flats with terrace area. Associated cycle store, refuse and recycling store

Reference: 17/6982/NMA

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 22.12.2017

Description: Non-material amendments pursuant to planning permission reference 17/0355/FUL dated 10/07/2017 for Change of use and reconfiguration of the building to provide Class B1 use with associated parking. Amendments include to amend the permission with respect to Condition 10 to amend the use class restriction of B1(a) and allow all Class B1 uses.

Reference: 17/0355/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved following legal agreement

Decision Date: 10.07.2017

Description: Change of use and reconfiguration of the building to provide Class B1 use with associated parking

Reference: 16/5605/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Withdrawn

Decision Date: 08.12.2016

Description: Change of use and reconfiguration of the building to provide a flexible use comprising of offices (Class B1a) and/or storage and distribution (Class B8) and associated parking

### **3. Proposal**

The proposal seeks the part demolition, extension and change of use of the existing building from Class B8 to Class F1 to provide a 90 pupil 5-18 years SEN school including rooftop recreation addition (MUGA and Sensory Garden), landscaping, access and visitor, disabled and school mini-bus parking arrangements.

It is proposed that the whole building will be re-purposed and extended to deliver approx. 3,108sqm (GIA) split across 4 levels (including roof level).

The proposal comprises of the following main components:

- Re-use of the existing building structure to provide the main academic building, including multi-purpose hall;
- Rooftop recreation space including Multi-Use Games Area (MUGA) and soft informal sensory area at existing roof level including new access points, boundary screening and buffer planting to protect residential amenity;
- Creation of a ground floor level entrance at the eastern end of the building including a secure drop-off area; and
- Creation of a circular vehicular access route around the building for drop off and pick up times to maximise on-site capacity for school related vehicles.

The proposed Windmill School will be a Special Education Need ("SEN") free school for learners aged 5-18 years with a diagnosed Autistic Spectrum Disorder (ASD) and an Education, Health & Care Plan. It is intended that the school will offer places for up to 90 children and young people whose autism is the major barrier to their learning and who would find the busy environments of either mainstream or generic special schools too challenging.

It is proposed that the school would be operational from September 2013 with an initial

placement of 23 places, increasing capacity on an incremental basis to reach 90 pupils by 2026.

Due to the range of ages which the school will provide for, it is proposed that each age group will enter the building at different locations.

The schools also envisages that some of the proposed facilities and the sports hall will be available for community use outside of school hours in the evenings, at weekends and during school holidays.

#### **4. Public Consultation**

Consultation letters were sent to 524 neighbouring properties.

The application has been advertised as a departure in the local press and a site notice posted.

19 responses have been received, comprising 10 letters of objection, 5 letters of support and 4 letters of comment.

The objections received can be summarised as follows:

- Alternative site nearby with a much better outlook and facilities for recreational activities;
- Proposed new main hall appearance could be improved;
- Additional storey, increasing the building's height;
- School would not be suitable for a wide range of students with special needs;
- Location is unsuitable;
- Increase in noise;
- Alternative site nearby with a much better outlook and facilities for recreational activities;
- Proposal would create a confined atmosphere due to central location;
- Proposal fails to offer good daylight and fresh air;
- Loss of privacy in South Close, Hornbeam Court and Blackthorn Court;
- Overlooking;
- Loss of privacy;
- Potential noise from the rooftop playground;
- Overlooking;
- Block views to the trees, sky and fields beyond;
- Increased traffic;
- Concerns about traffic management;
- Increase refuse and servicing vehicles;
- local roads are inadequate for the increased traffic movements;
- Increased traffic would compromise the safety of the pupils and other members of the public through poor traffic management in the area;
- use of rooftop recreation area 'out of school' hours;
- Several coaches morning and evening will create traffic problems;
- This section of the road is heavily parked;
- concerned by the significance of the extension to the roof; and
- disruption caused during construction process.

The letters of support received can be summarised as follows:

- Welcome the use of the site for the proposed SEN school;
- Provide students to good access to the community and transport links;



- Very much need facility with children not getting the support they need with their education;
- Facilities are clearly much needed in the Borough;
- The building is empty; and
- Use of the building as school would generate less traffic.

## **Neighbouring / Residents Associations and Local Amenity Groups**

### **Barnet Society**

The Barnet Society objects to this proposal. We do so with considerable reluctance, because in principle we would welcome a new school in Chipping Barnet for pupils with special needs that are not often well provided for. But the present proposals give rise to a number of concerns, some severe.

Because we wished to be sure that our comments genuinely represent our 700+ members, we emailed them our draft comments and asked for their views. The response rate was nearly 17%, unusually high for a survey of this kind. 83% of respondents agreed that we should object to the application; only 6% supported it. We are, therefore, confident in our stance.

Our full reasons for objection have been emailed to the Council planners. They are summarised below:

1. Vehicular movement unsatisfactory. At the beginning and end of the day the school would have 9 buses and 9-10 parents' cars all arriving / departing at a similar time. Although quiet in the mornings, at the end of the day when school closes around 3-5pm, Moxon Street is busy with traffic. Any vehicles backing up off-site into the road would cause serious local congestion problems.
2. The scheme would rely on minibuses and taxis stacking around the single-lane slip road to drop off and pick up pupils, with private car users required to use the Moxon Street Car Park. This would be an ongoing management problem, exacerbated by the very wide age range and sometimes challenging behaviours of pupils.
3. Reliance on nearby public car parks for permanent staff may be acceptable. But peripatetic staff visiting for only a few hours would find the shortage of on-site parking very inconvenient and time-wasting, especially for those needing to carry equipment.
4. The façade shows little colour and imagination expected of a 21st-century school. The proportions of building elements such as the sloping rooftop and entrance features are clumsy; distinctive or interesting features such as the sports hall "box" could have been treated with higher quality materials or colour; and materials generally are basic and cheap. The design fails either to enhance, re-invent or celebrate the existing building's strong underlying 1960s aesthetic.
5. The external environment and facades would offer disappointingly little "greening".
6. The long internal corridor with no natural daylight could be oppressive for children, and result in lights being on all day and high energy costs. The internal group rooms appear to have no glazed panels, which would be claustrophobic.
7. The area of the rooftop playground is not stated, but the consultation plans last spring showed 995 square metres, some of which have been lost to stairs and a store in the latest

plan. This represents only about 20% of the DfE's minimum area recommendation for a school of this size and type. This causes us great concern, particularly in a school with pupils whose ages range from 5 to 19 - and are therefore unable to share different-sized play facilities, and with behaviours that are often solitary and challenging - and so require more personal space than other children.

8. Not only is the outdoor play tiny for the number of pupils - even if they access it in shifts - it would be sadly short of greenery and views except of the sky. Given the proven benefits of a rich outdoor environment for all children, and especially for those with ASD, our concern is all the greater. Some wonderful outdoor environments have been created for schools and nurseries in recent years - and some imaginative rooftop playgrounds - but this would not be one of them

9. There is no clear strategy for giving the children access to off-site green spaces and play facilities. That might go some way to mitigating the school's own shortage, though it would place additional demands on teachers and time lost taking pupils to and from them.

10. There is insufficient consideration of overlooking and privacy to habitable rooms of nearby residential dwellings in Hornbeam Court & Laburnham Close, which are in close proximity to the south.

11. We are not convinced that the search for an alternative site has been sufficiently thorough and imaginative. To take just one example, Grasvenor Infant School, which we understand is closing soon and has good outdoor play space, has not been considered.

We believe the proposed premises are fundamentally unsuitable for 90 all-age pupils with ASD. To succeed on this site it is essential that the qualitative aspects of the proposal (landscape, facades, daylight, functionality, etc) are of high standard, and that the amount of management required (for vehicles, access and pupils) for the school to operate is minimised. Otherwise, the premises would become an enduring problem for staff, pupils and parents/carers, and lead to high operating costs, unhappy users and ultimately failure.

## **Barnet Residents Association**

These comments are made on behalf of the Barnet Residents Association.

Whilst the BRA have taken a neutral stance on this application, we do have a number of comments to make.

Whilst we might defer to the decision by the DfE to select this site, we do question whether it is driven by time constraints for delivery rather than pure site suitability and we do not totally agree with the conclusion and recommendations contained in the Carter Jonas Report. For example, the land adjoining Whittings school was rejected because of a planning consent granted in April 2016 which may now have elapsed? This site and the Grasvenor School are both we believe, in the ownership of Barnet Council and therefore, as such, have control as to what might be best suited for these sites

Our specific comments on the detail of the application are

1. We have concerns over the additional traffic generation in Moxon St at the drop off and pick up times, particularly in the top section at the junction with the High Street. We feel there would have to be substantial traffic calming and parking amendments as recommended by TFL in their observations.

2. We are concerned at the reliance of spaces in the Moxon St car park as these can not be guaranteed to be available for staff and short-term visitors. This could lead to an unacceptable demand on parking in Moxon St adding to the highway issues as above.

3. We are concerned at the impact of the scheme on the adjacent residential properties, in particular Laburnham Close and Hornbeam Court. The impact of the rooftop playground in terms of noise may also be at an unacceptable level.

4. We also question whether sufficient cycle spaces have been provided.

5. We also question whether the architectural/elevational details could be improved to soften the visual impact of this building.

We welcome the provision of such a school in the High Barnet area but would be grateful if these comments could be taken into account when a recommendation is made to Committee

### External / Internal Consultees

#### **Children's Services**

The Council is supportive of this scheme and there is a clear and evidenced need.

#### **Commercial Services - Street Scene**

The bin provision and placement for this application are acceptable to the Street Scene collections Team.

#### **Environmental Health**

No objections subject to conditions.

#### **Metropolitan Police - Secure by Design**

No objections subject to a condition requiring the inclusion and design for an electronic access control system that is capable of securing the school dynamically, and with little notice. This is required to protect pupils, staff and visitors using the school in the event of an unlawful incursion at the premises or nearby.

#### **Policy**

Confirmed that the proposed change of use to SEN school is acceptable.

#### **Sustainable Drainage**

The application is not proposing any alterations to the surface water drainage system therefore we don't have any comments.

#### **Thames Water**

With regard to waste comments, 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.

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. Management of surface water from new developments should follow Policy SI 13

Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to wastewater network and sewerage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### **Traffic and Development**

No objections subject to conditions and informatives being attached.

### **Transport for London (TfL)**

Following the submission of further information, TfL strongly welcome the new proposed cycle parking for pupils and there are no further objections.

## **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 revised National Planning Policy Framework (NPPF) was published on 20th July 2021. 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 2021

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 for the next 25-50 years. 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.

#### 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, CS5, CS8, CS9, CS10
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM14, DM17

### Supplementary Planning Documents

Green Infrastructure (2017)

Sustainable Design and Construction SPD (adopted October 2016)

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

## **5.2 Assessment of proposals**

### Need for a new school

In September 2017, the Children, Education, Libraries and Safeguarding Committee published a report title '*Planning for new school places 2018/19 to 2022/23*' and identified there would be an additional need for SEND places at both the primary and secondary phases. Several projects were reported as being in the pipeline, including an expansion of The Trust's Oak Lodge Special School, completed in 2018 and provides additional capacity for up to 40 additional children with SEND. The document also outlined that The Trust's application to open a new special Academy free school (The Windmill) for up to 90 children and young with an autism spectrum condition (ASC) had been approved by Central Government and that the Council has begun working with the Department for Education to identify a suitable site.

An update to the report published in November 2020 identified that that the numbers of children and young people with SEND in Barnet continues to rise and currently there are 2,808 children and young people aged 0 to 25 years in receipt of an Education Health and Care Plan (EHCP). Autism continues to be the biggest area of need in Barnet, with an increasing number of pre-school children diagnosed with complex needs, including Autism and requiring specialist provision.

The Council's Director for Education and Learning issued the following up-to-date position in September 2021:

*'Over the last 2 years, there has been a 22% increase in the number of children and young people in Barnet with Education, Health and Care Plans, from 2,682 in 2019 to 2,931 in 2021-21 to a forecast figure of 3,268 in 2021-22. 53% of all EHCPs in Barnet are for children and young people with an Autism Spectrum Condition (ASC), including a social*

*communication need. The increase in EHCPs has led to an increase in demand for special school places, particularly for children and young people with ASC as their primary need. All of our special schools are at maximum capacity and, this year, we have had to create some temporary satellite bases to meet need or in some cases provide outreach support from special schools to maintain placements in mainstream schools.'*

The table below shows the number of additional special school places needed in Barnet from 2023 to 2025. The figures are cumulative (so the second column includes the extra places in the first column etc.)

	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Primary</b>	53	73	86
<b>Secondary</b>	31	38	50
<b>Post-16</b>	15	16	20

Barnet Special Education Trust ('the Trust') is just one of only a handful of operators in the UK that has an Advanced Accreditation from the National Autistic Society and the vision for The Windmill is to continue to uphold those standards and is a good indicator for parents that the Trust has a reputation for good practice in delivering high quality education.

There is currently no autism-specific maintained school in Barnet. The needs of these children and young people will be better met in a more specialist provision that would be able to take better account of their sensory sensitivities than a generic special school, an attached provision or full mainstream placement. A specialist provision, such as the one being proposed, would provide pupils with an autism-specific, predictable and purposeful learning environment in which they could success and thrive more effectively, and where they will have the best chance of achieving academic success.

Both London Plan Policy S3 and Barnet Policy DM13 support the need for new education facilities where there is an identified need and seek new facilities in accessible locations with good public transport accessibility. As set out in the paragraphs, there is a strong evidenced need for a new SEND facility and the site is located outside but in close proximity to the Chipping Barnet Town Centre where there are good transport links. The site is also located in close proximity to a park and open space in the form of King George's Fields which lies within 150m of the proposal site.

### Site Selection

Since approval in 2017, the Trust have undertaken an extensive site search to find an appropriate site which can accommodate the operational requirements. The following criteria for site selection had been agreed with Officers:

- Must be located in LB Barnet to meet an identified need;
- Have an area of between 0.4 hectare (1 acre) and 0.8 hectares (2 acres);
- Capacity to accommodate 2,590sqm floorspace (GIA) over a max of three floors for internal accommodation;
- Access to compatible informal green spaces that could support external recreation activities within 1 mile of the site;
- Good access to public transport;
- Must not be located on a busy highway or within 25m of such; and
- Available and deliverable in an accepted timeframe (completion of building works and opening of the school no longer than 2 years from securing the site).

The application is supported by a Sequential Site Selection Assessment which assesses the potential availability and deliverability of sites in the Borough. A first exercise shortlisted a list of 55 sites, which were then further assessed against planning considerations and deliverability. The report's methodology identified and assessed potential sites in the following order:

1. Expansion of existing school sites;
2. Urban Sites; and
3. Other possible alternatives including greenfield and Green belt sites.

#### *Expansion of existing school sites*

Three school sites were identified through the Department for Education's original site search exercise as potential options to deliver the additional 90 spaces for ASC pupils:

- Land at Broadfields Primary School;
- Land adjacent to Northway And Fairway Primary School; and
- Land adjacent to Whitings Hill Primary School.

Land at Broadfields Primary School is no longer available for development having being granted planning permission for 137 new residential units in April 2021 (20/4031/FUL). Land adjacent to Northway and Fairway Primary School is not considered suitable for development being located within the Green Belt. Further expansion would involve development of land within the Green Belt impacting on its openness. It would also result in the loss of playing fields and would attract an objection from statutory consultee Sport England. Given the modest increase in facilities it is considered the harm would not be outweighed by other considerations. Land adjacent to Whitings Hill Primary School is an area of land owned by the Council and received planning permission in April 2016 (15/03139/FUL) for the development of 33 residential units. However, the Council retains an interest in developing this land and so is not available for this development.

#### *Greenfield / Green Belt sites*

Due to the availability of Urban Sites, land outside the built-up area was discounted to limit the impact on the Green Belt and to reduce the risk of delays related to the promotion of such land through the Local Plan process in order to allocate the Site for development. Such delays would have had significant impact on the delivery of much needed school places.

#### *Urban sites*

A number of sites were identified as available and suitable for redevelopment. Following a scoring process, four sites were considered suitable to deliver the Trust's requirements:

- Colindale Station, Colindale Avenue, NW9 5HR
- 50 Moxon Street, Barnet, EN5 5TS
- Millbrook Park, Mill Hill, London, NW7 1SJ
- Brookdene, Holden Road, London, N12 7DR

The recent planning approval at the Colindale Station included provision for flexible commercial uses totalling 860sqm, including Use Class D2 which could accommodate a school use. The total floorspace and inability to provide outdoor space means that this use would not be suitable to deliver the requirements of the Trust and DfE's BB104 guidance for new SEN school floor areas. The site was therefore concluded to be unsuitable and

unavailable and has been discounted from the site search.

The building at 50 Moxon Street has been marketed since 2017 and various planning applications have come forward on the site to improve its commerciality; however, owing to the location, topography and access arrangements, there has been no success in finding an occupier to continue an employment use. The residential permission has also not been implemented and has since expired. Owing to the sustainable location of the property close to public transport, access to King George's Fields for outdoor activity and located off a main highway, the site was successful at Stage 1. The building is currently vacant and is available for redevelopment. Owing to the site's ownership by the London Borough of Barnet it is also considered to be suitable and achievable to deliver the school within the required timeframe of 2 years.

Millbrook Park forms part of a wider regeneration programme being led by a developer consortium 'The Inglis Consortium'. Homes are currently being delivered by EcoWorld London, Joseph Homes and Barratt London. A new Primary School has been delivered and opened at the development. The site is no longer considered to be suitable to deliver The Windmill School owing to the wider land ownership and residential-led redevelopment proposals which are currently being delivered. The site is considered unsuitable and unavailable and has been discounted.

The Old Finchleians Memorial Ground sports ground lies to the north-east of the site and Woodside Park underground station is located within close proximity making the site suitable against the Trust's requirements. Planning permission was granted in June 2017 (Ref. 17/1255/FUL) for the Erection of a three-storey building plus accommodation in the roof space comprising 34no. self-contained flats plus undercroft parking for 38 cars and 68 cycles. Associated bin stores, hard and soft landscaping to development site. This scheme has since been built in accordance with the above permission. The site is therefore no longer considered to be available and deliverable.

The preferred site identified by the analysis was 50 Moxon Street. The Site is ideal for use as an SEN School owing to its location relative to existing open space and public transport, as well as its access, size and layout of the existing building which provides the opportunity to deliver the proposals and respond to the operational requirements of the DfE and the Trust:

- Re-use of the existing building structure;
- Rooftop play space and soft informal at existing roof level including new access points and boundary screening and buffer planting to protect residential amenity;
- Reconfiguration of the building internally to provide an indoor multi-purpose hall;
- Creation of a ground level entrance at the eastern end of the building including a secure drop-off area; and
- Creation of a circular vehicular access route for drop off and pick up times to maximise on-site queuing capacity for school related vehicles.

A number of comments received from members of the public and The Barnet Society and The Barnet Residents Association have been made regarding the site selection process and the potential availability from the closure of the Grasvenor Avenue Infant School. The Council's Education and Skills Director has set out that due to the additional specialist places for 5- to 18-year-olds, the Council's plan is to create a new special school annex in addition to the proposed new Windmill School. The proposed plan is to utilise the Grasvenor site as the proposed new annex from Northway Special School. Due to the demand for specialist places, it is not simply a case of either-or site, both are required to be brought forward to



meet the demand for specialist provision. A query regarding the potential of land adjacent to Whittings Hill Primary School has been updated by Officers as the Council has potential development options for this site and therefore was not available for this proposed development.

### **Loss of existing land use**

The site consists of a three-storey building located within the Hadley Manor Trading Estate, which is designated as a Local Significant Industrial Site (LSIS) under Barnet Policy DM14. The existing building is currently vacant, and its use is 'storage or distribution' under Use Class B8.

Barnet Policy DM14 states under a: i) *"Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non-B Class use will not be permitted."* The policy does not allow for the change of use or loss of employment use within a protected designated area. Therefore, any approved change of use would represent a departure from policy.

Within the submitted Planning Statement, the applicant has put forward a case for departure which is as follows:

#### Education Need

The delivery of a school on the site should be given significant weight in the decision-making process due to the following factors relating to its need:

- Educational need as described by DfE, LBB and the demand generated for the Trust's existing school;
- The NPPF which advocates that great weight should be attached to school development which meets demand or improved choice;
- The now historic application by the Oak Lodge School to open a school with a focus on delivering education for children with Autism as identified since 2017; and
- The success and reputation of the Trust to deliver high-quality education.

#### The role of education as an employer within the Borough

It stands to reason that whilst the site would no longer fall within a 'traditional' employment use class, the proposed use would retain a significant level of employment.

The use of employment density calculations is helpful in determining the average floorspace requirement per Full-Time Equivalent (FTE) employee of a particular use class. The HCA Employment Densities Guide (2015) suggests an area of 70sqm per FTE for Use Class B8 which when applied to the floorspace of the existing building assumes that 46 FTE members of staff could have been employed at the building. The Trust has identified that 58 staff (54.4 FTE) staff would be employed at the school, an increase on the former B8 floorspace.

#### The wider LSIS

Hadley Manor Trading Estate extends to 0.5ha and represents one of the smaller LSIS designated industrial estates in the Borough. There are four existing buildings comprising the industrial estate which are occupied by a variety of users. Most notable of the four buildings is the Hadley Wood Hospital that adjoins the site. This use would fall outside of the LSIS B Use Class restrictions.

## Conclusions on the Principle of Development / Land Use

The existing building has been vacant for some time, and whilst there have been a number of applications to reuse / extend the building, none have come forward or be implemented. The Council's Planning Policy team was consulted on the change of use and loss of employment and taking into the nature of school proposed and case submitted, it was considered to be acceptable in principle and would not significantly harm the overall provision of Significant Industrial Sites within the Borough.

The case for a new SEN school in Barnet is strongly supported and the methodology and findings of the Site Sequential Test Assessment are considered to be robust and acceptable. There is clearly a demand for such a school in Barnet, and the proposed school use would retain a high employment level on the site.

Officers consider that on the basis of the justification submitted, substantial weight should be attributed to the proposal and would outweigh the policy restrictions of Barnet policy DM14. Subject to the assessment of all other relevant considerations, the principle of a new SEN education use is considered to be acceptable on this site.

### **Impact on the character and appearance of the existing site, street scene and wider locality**

Policy DM01 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.

The proposal seeks to repurpose the majority of the existing building, retaining its layout, with the exception of the demolition of the western end of the building to facilitate a new-build school hall and creation of rooftop MUGA / sensory area. The new-build extension would be of a similar footprint to that being demolished but would extend out further from the existing front elevation.

In terms of scale, massing and height, the new-build hall would extend above the existing building, however, due to the sloping topography of the site, it would be reflective of the adjacent residential properties along Moxon Street. To facilitate the creation of a rooftop MUGA, the existing roof level slate cladding will be extended upwards and is considered to be in-keeping and proportionate of the existing building.

In terms of proposed materials and appearance, the proposal seeks to utilise the existing pallet of materials as they are robust, easily maintained and in-keeping with the non-residential development in the local area. The existing windows will be replaced, and the fenestration will include coloured panels to reflect the colours of the school's logo. It is considered that the proposed design and external appearance is reflective of the immediate area within Moxon Street.

### **Amenity Impact on Neighbouring Properties**

Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). Amenity is a consideration of London Plan 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*

In terms of recommended separate distances, the Barnet Residential Design Guidance SPD principally concerns residential overlooking from habitable room to garden and between habitable rooms. There is no stated guidance for commercial / community uses to residential properties etc.

In terms of neighbouring properties, the closest residential properties are located to the north (terraced houses within South Close), to the south (Hornbeam Close and Blackthorn Close) and to the west (46-48a Moxon Street).

At the western end, there would be a 5m separation distances between the flank elevation of 48a Moxon Street and the new main hall. In terms of footprint, the proposal is not closer but is approx. 2.5m taller. There are high level windows proposed along this elevation and as it is a main hall, it has a void at the upper levels so there will be no overlooking from within the building itself.

To the south, the facing elevation of Hornbeam Court lies 16m from the proposal. As existing, there are a large number of windows facing Hornbeam Close and the proposal will simply amend the window fenestration. The separation distance will remain the same. Whether the building is occupied as its current use or the proposed use, both are only during specific periods of the day. It will have a different impact if the proposal had been for a residential use. Therefore, the nature of the proposed use is not considered to result in any adverse impacts in terms of overlooking to this building. Blackthorn Close is located to the south-east, approx. 22m from the proposed building. Due to the proposed orientation of the separation distance, there are no overlooking concerns or amenity impacts on this building.

To the north, the rear elevations of South Close face the proposed development, however there is a distance of 29m between each elevation. There is also intervening mature trees along the rear boundaries of South Close, which act as a strong visual screen between the sites. Again, due to the proposed use, separation distance and existing trees, there are no overlooking concerns towards this row of terraced properties.

In terms of the proposed rooftop MUGA, this would be full enclosed by the roof and so it would not be possible for future users within this rooftop area to overlook towards neighbouring properties.

It is not considered that the extended crown roof design would have an overbearing impact of the surrounding buildings.

### *Daylight and Sunlight*

An assessment on daylight and sunlight on neighbouring buildings has been submitted in support of the application. The report conducted an analysis on the following properties:

- 48a Moxon Street; and
- Hornbeam Court.

For daylight, the report analyses the Vertical Sky Component (VSC). Across both buildings,

38 windows were tested, and the results demonstrate that all assessed windows are compliant with BRE recommendations, retaining in excess of 80% of their current values.

For sunlight, BRE guidance states that only windows which 90 degrees of due south need to be assessed for sunlight provision. In this instance, 3 windows fall into this category and are located to the rear of 48a Moxon Street. The results show that all the assessed retain 25% of annual sunlight hours and 5% of winter hours, or where this is not the case, 80% of their existing values both annually and over the winter months. The scheme is therefore compliant with BRE guidance in relation to sunlight impacts.

Taking into account the results mentioned above, the proposed development would not have any harmful impacts on the daylight or sunlight levels of the immediately adjacent properties.

### *Noise*

As the proposed development seeks the installation of external heating and ventilation plant and the creation of a MUGA / sensory area at the rooftop level, the application is supported by a Noise Impact Assessment.

In terms of the plant impacts, the noise consultants engaged in discussions prior to submission with the Council's Environmental Health service. The proposal seeks the installation of 3no. air source heat pumps (ASHPs); a main ASHP to be sited on the western side of the upper roof level and two smaller ASHPs to be located at ground floor level on the north façade servicing the kitchens. The initial noise calculation results found that without mitigation, the noise criterion limit would likely to be exceeded at some locations. However, with the installation of an acoustic enclosure, the noise impacts would be compliant with and satisfy the Council's standard conditions. The Council's Environmental Health service have reviewed the submitted noise report and are satisfied that the proposed plant would be acceptable subject to the recommended mitigation.

In addition, a second report was undertaken to consider noise at sensitive areas of the proposed site, such as the classrooms and recommendations for the design of the new building and associated recreation spaces, if required. In terms of noise levels in external areas, the analysis of the calculated levels at the playground area of the site shows that the ambient noise levels at the rooftop proposed playground marginally exceeds the upper limit of 55dB (by 0.5/0.8). However, given the urban area of the proposed development the marginal exceedance is considered typical for the general area. Noise levels at other different parts of the building were found to be compliant. In terms of mitigation, the addition of a 2.5m acoustic barrier around the rooftop of the building was found to considerably reduce the noise impacts around the proposed site.

### **Air Quality**

The application is supported by an Air Quality Assessment which has reviewed the construction and operational impacts. In conclusion, the report states that the proposed development would not have significant impacts on the immediate area. Within other elements of the proposal, there will be measures to improve air quality, such as improved landscaping and biodiversity, green transport measures and electric energy strategy. The Council's Environmental Health Officer provided no comments on the submitted Air Quality Report and therefore it taken they have no objections on this element of the proposal.

### **Transport, Highways and Parking**

Policy CS9 of the Barnet Core Strategy 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 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 CS9 and DM17 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.

Vehicular access to the site is via Moxon Street. The site has reasonable public transport accessibility with a PTAL of 3. High Barnet underground station is 10 minutes-walk to the south, and there are several bus stops available on Chipping Barnet High Street 400m to the west. 9 bus routes can be accessed from stops within 3-5 minutes walking distance of the site. The site is in a residential CPZ and a no waiting zone which operates Mon-Sat from 8am-6.30pm.

### *Internal Layout*

There is an existing internal access road which loops around the site. It is proposed to create a one-way system with vehicles entering from the western end (at the top of the site), proceed in an anti-clockwise direction around the rear of the site and exit via the eastern access, at the bottom of the site. In terms of access, entrances are proposed at:

- Moxon Street to provide the main entrance;
- The western end of the building to provide primary drop-off / pick-up;
- The rear of the building to provide secondary and 6th form drop-off / pick-up; and
- At the eastern end of the building including secure drop-off / pick-up and access for servicing and from parking at the undercroft.

Within the site, there are 3no spaces allocated for minibus drop-off and pick-up. Minibuses will not be parked on site and will be stored off-site at Council Depots. Car parking spaces are proposed along the rear of the building and at the eastern end in an undercroft area. Secure gates will be installed at both the western and eastern ends, are remote controlled and open inwards. Cyclists and pedestrian can access the site from the front and side of the building.

The proposed layout is acceptable to the Council's Traffic and Development service with vehicle tracking and swept path drawings demonstrating that minibuses, fire tender trucks and refuse vehicles can access and move around the site safely.

### *Parking*

The school will accommodate a maximum of 90 pupils with 58 staff (approx. 55 FTE). The submitted Transport Statement (TS) states that the majority of pupil trips will travel via local authority transport or taxis. Minibus drop-off / pick-up bays are proposed within the site. The TS indicates that there is likely to be a maximum of 9 minibuses and 3 taxis on site at any given time and there is sufficient space within the internal circulation area to accommodate the maximum number of minibuses anticipated. For those pupils not arriving by minibus or taxi, the TS expects them to use the Moxon Street car park.

The proposed site block plan shows a total of 10 parking spaces comprising 2 disabled bays, 3 enlarged bays and 5 standard parking bays. The Council's Highways Officer has commented that with a total of 54 FTE staff members, the proposed parking provision is considered to be low. However, there are no specific standards for F1 use but based on the mode share data for similar sites in the borough around 50% of staff are expected to travel by car which means that about 27 spaces would be required. The TS, based on a travel survey on a different school, expects a 39% of modal share to be made by car. Approx. 23 staff motorised vehicle trips have been predicted with the TS.

With only 10 car parking spaces proposed on site, the TS expects that other staff will require to park in nearby long-stay public car parks. As Moxon Street is designated as an all-day CPZ and no waiting area, any overspill parking from the school will be unable to be accommodated within the street and therefore enforcing use of the nearby car parks. However, in the event of the small proportion of parents requiring to pick-up or drop-off their children, the undertaken parking survey has demonstrated there is sufficient parking capacity on Moxon Street. A parking management plan will be secured via condition will be required to set out amongst others, the criteria for allocation of parking spaces, how illegal parking will be enforced and steps to prevent unauthorised use of the proposed parking spaces.

Cycle parking and electric vehicle charging points are to be provided in accordance with London Plan standards. The proposed development will include 10 cycle parking spaces, 8 for staff and 2 for visitors. Following discussions with TfL, an additional 12no cycle parking is proposed for pupils, and this would also satisfy the Council's request. The location of the long stay cycle parking is acceptable, but details of short stay cycle parking is requested.

Electric vehicle charging points should be provided in accordance with London Plan standards and it is recommended that 2 active and 8 passive charging points are provided. This will be secured by way of a planning condition.

### *Trip Generation*

The morning peak hour (8am-9am) when school traffic coincides with the morning rush hour is considered the worst case. It is predicted that students would generate 21 one-way vehicle trips during the morning peak. The trip assessment assumptions are based on Barnet Special Education Trusts operation of Oak Lodge School:

- 90 pupils in total;
- 90% (81) of pupils travel by school transport or taxi (predicted at 9 minibus and 3 taxis); and
- 10% (9) pupils travel by private car in 9 private cars.

In terms of staff, there will be approx. 23 staff motorised at both the AM and PM peak periods. As on-site parking will accommodate a maximum of 10spaces, car travel to the site would be limited with other staff requiring to park in nearby long-stay car parks.

The applicant has submitted an addendum to the TA as highways works in and around Moxon Street prevented the undertaking of surveys prior to the submission of the TA. Table 1.1 shows the total trip generation from the site with a daily vehicle trip generation of flow of 144 two-way trips. This compares with the 179 two-way trips generated by the extant B8 use. The Highways Officer accepts that the proposed scheme would generate less vehicle trips compared with the extant use. To mitigate the impact of the scheme on the immediate network given that the road is a no-through road which is narrow in sections due to parking,

Highways have recommended that arrival and departure times of the minibuses are staggered to reduce the number of vehicles on site at any given time.

At the request of the Highways Officer, the applicant undertook an Automatic Traffic Count (ATC) survey to determine existing/proposed flows and the need junction modelling. An ATC survey was carried out between 9th - 16th Dec on Moxon Street and a Classified Turning Count (CTC) was undertaken on 14th Dec. The average daily two-way vehicle flow from the ATC is 551 (07:00-19:00) and for the manual junction count at A1000/Moxon Street, it is 12,998. The site is expected to generate 144 vehicles during 07:00-19:00 compared to 179 vehicles by the extant use. It is therefore considered by the Highways Officer that the network impact of the proposed development is unlikely to be significant and probably less than that of the extant use.

A framework travel plan has been submitted by the applicant and the provision and implementation and continued monitoring of the travel is secured by condition.

### *Servicing*

The TS proposes that refuse vehicles and larger vehicles will reverse off Moxon Street into the eastern access. The Highways Officer is satisfied with the location of refuse storage and is in agreement with this as there is sufficient space within the site to accommodate this. It is recommended that deliveries take place during the off-peak period. Further details of the servicing strategy are to be set out in a delivery and servicing plan which will be secured by way of a planning condition.

### *Road Safety*

The accident data presented by the TS shows 1 slight accident occurred at the junction of Moxon Street and Tapster Street and 1 serious accident on Moxon Street in the last 5-year period ending 2019. Data obtained from the DfT's STATS19 2015-2019, the most recent period for which data is available that is not affected by COVID-19 indicates that there were 31 collisions in the area, 25 of which were categorised as slight, six as severe, and with no fatal collisions. 12 collisions involved pedestrians and four involved pedal cyclists. The proportion of fatal collisions is below the national average for all urban roads where 1% are fatal, 18% are severe and 81% are slight.

### *Required off-site works*

The following off-site highway works have been proposed by the Highways Officer and are required to mitigate the impact of the development. The applicant is therefore required to enter into a s278 agreement with the Council to implement these works (All off site highways works must be completed to the satisfaction of the local highway authority prior to first occupation of the development):

- School Warning signs are proposed to be added to the East and West of the building, with an 'In' sign also being added to the Western Access of the building;
- Provision of tactile paving and modifications to the western access;
- Extension of existing waiting restrictions across the western access;
- Existing single yellow line, residents parking bays, and disabled parking bays are to be refreshed;
- Modifications to the eastern access and provision of tactile paving;
- Relocation of existing gully at the eastern access;
- The existing single yellow lines will be extended into the junction mouth with end of

- carriageway lines to be provided;
- Introducing double yellow lines opposite the eastern access to restrict parking;
- Provision of dropped kerbs and an informal pedestrian crossing point in the vicinity of the eastern access;
- Provision of School keep clear markings in front of the proposed developments; and
- Signage to indicate the proposed one-way circulatory system through the site.

### *Summary of Highways issues*

The submitted TS has demonstrated that during peak hours, the proposed development would have a comparable trip generation to the existing B8 use but would be significantly lower across the whole day. It is anticipated that the majority of pupils will travel via minibus. When supported by the TS addendum, it concludes that there would be no severe effects that would create issues for the local transport network. The application has been reviewed by the Council's Traffic and Development service who raise no objections subject to the securing of travel plan, other relevant conditions and the above-stated off-site works.

### **Landscaping, trees and biodiversity**

At present, there is minimal landscaping within the site, with only a row of planted shrubs / trees along the front of the site. Other than this strip, there is limited opportunities for new planting around the site.

It is proposed to remove this planted strip and replace with low level and varied soft landscaping. In addition, further greening is proposed at the roof top level with an area for horticulture and a sensory area which will feature plants with scent, texture and colour.

The proposal will enhance the Urban Greening Factor from 0.017 to 0.057, an increase of 227% through the abovementioned measures and with the introduction of a bio solar roof to the main hall combining biodiverse extension green roof system.

The submitted Design and Access Statement proposes a number of ecological enhancements, including green roof, native planting, bat and bird boxes. The installation of these measures will be secured via condition.

Overall, the proposed landscaping and biodiversity measures are considered to be acceptable.

### **Energy and Sustainability**

London Plan Policy SI 2 requires major development proposals to be zero-carbon which means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy

- Be lean: use less energy and manage demand during operation
- Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- Be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- Be seen monitor, verify and report on energy performance.



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.

An Energy Strategy Report has been submitted in support of the application. The energy statement presents separately, the strategy for the refurbishment of the existing building and the secondly, the new building extension. In terms of the refurbishment element, a series of passive and active measures are proposed to be utilised within the proposed development with results in a carbon reduction saving of 34% against the baseline building. This is considered to be acceptable and a condition has been attached to secure an updated Energy Statement in relation to the new build element.

The application has also provided a BREEAM pre-assessment in support of the application which advises that the development can achieve BREEAM 'Very Good' which is welcomed.

### **Flood Risk / SuDS**

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

In respect of flood risk, the site is within Flood Zone 1 which is classified as being of low risk of flooding.

In terms of drainage strategy, the existing site already incorporates a surface water drainage network that discharges to the public surface water and foul water networks. The Council's sustainable drainage team have commented that as the application is not proposing any alterations to the surface water drainage system, they don't have any comments to make.

## **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; 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 and provide a number of equality benefits through the provision of a new Special Education Need for which there is a strong evidence need in the Borough.

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 building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

## **Planning Balance**

It has been identified that the scheme represents a departure from Barnet Policy DM14 as the site is located within Hadley Manor Trading Estate, a designated Locally Significant Industrial Site. However, the proposed development is considered to provide a number of significant benefits through the provision of a SEN school which would outweigh the loss of the existing employment site. The school would still retain a high level of employment on the site.

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

The potential transport impacts of the scheme have been considered and are comparable or significant improved upon the existing B8 use. A number of appropriate mitigation measures have been proposed and are secured via condition.

## **8. Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the 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 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.



