

Location Hendon Preparatory School 20 Tenterden Grove London NW4
1TD

Reference: 22/2137/FUL Received: 21st April 2022
Accepted: 21st April 2022

Ward: Hendon Expiry: 16th June 2022

Case Officer: Tina Oliveira

Applicant: Cognita Schools Ltd

Proposal: Erection of a classroom following demolition of the existing sheds

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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

10399-00-1101 Rev S2.A Site Location Plan
10399-00-1102 Rev S2.A Existing Block Plan
10399-00-1103 Rev S2.A Existing Shed Elevations
10399-00-3102 Rev S2.B Proposed Sections
10399-00-3104 Rev S2.A Proposed Block Plan
10399-00-3105 Rev S2.A Proposed Elevations
Design and Access Statement

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).

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

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those detailed in the approved plans and documents

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The level of noise emitted from the Mechanical Ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 5 The outbuilding/classroom hereby permitted shall not be used before 8.00 am or after 6.00 pm on weekdays and Saturdays or at any time on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 6 The use of the outbuilding/classroom hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 The number of pupils on the school premises at any one time shall not exceed a maximum of 150.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is a two-storey primary school located at 20 Tenterden Grove, London, NW4 1TD. The school benefits from front and rear amenity space within the ward of Hendon.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights. There are no trees under Tree Preservation Orders.

2. Site History

Reference: TPA 2027

Decision date: 23/12/1963

Description: Use as private School

Reference: TPA 2834

Decision date: June 1964

Description: Use as Preparatory School

Reference: W01758

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 01.08.1968

Description: Extensions and alterations

Reference: W01758A

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Refused

Decision date: 20.06.1989

Description: Erection of single-storey temporary buildings at rear to provide new nursery school facilities with glazed canopy link to existing school.

Reason for Refusal:

1) The proposed prefabricated building, by reason of its sitting, bulk and excessive site coverage of this prominent corner plot, would detract from the residential character of neighbouring properties which comprise single family dwelling houses with private rear gardens and would be detrimental to the visual amenities of neighbouring occupiers.

2) The proposed scale of site coverage by buildings and the associated intensifications of use would, by reason of increased activity, noise and disturbance, result in an over intensive use of the site to the detriment of the residential amenity which occupiers of the adjoining properties may reasonably expect to enjoy.

3) The proposed parking spaces are unsatisfactory in that the use of the excessively wide access would cause a safety hazard to pedestrians on the adjoining footpath.

Reference: W01758B

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 20.06.1989

Description: Part two/part three-storey side extension to provide additional classrooms & ancillary facilities and provision of parking area at rear.

***Additional Information: This consent provided for four parking slots to the rear of the school building with an access gate to Brinsdale Road.

Reference: W01758D

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 03.01.1990

Description: Single-storey rear extension to provide additional classrooms and provision of parking area at rear.

Reference: W01758F

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 03.01.1990

Description: Details of materials pursuant to condition 5 and details of landscaping pursuant to condition 6 of planning permission W01758D dated 03.01.90.

Reference: W01758G

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 15.01.1991

Description: Details of materials pursuant to condition 5, and details of landscaping pursuant to condition 6 of planning permission W01758B dated 03.01.90.

Reference: W01758H

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Unlawful

Decision date: 26.11.1991

Description: Erection of children's play equipment (SECTION64 DETERMINATION)

Reference: W01758J

Address: 20 Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 18.05.1992

Description: Erection of children's' play equipment

Reference: W01758K

Address: 20 Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 18.05.1992

Description: Erection of 3m and 3.5m high close-boarded timber fence across rear of site and along boundary with Brinsdale Road

Reference: W01758L

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Refused

Decision date: 02.08.1994

Description: First floor rear extension, second floor(roof) extension.

Reason for Refusal:

1)The proposed extensions by reason of their bulk, size and sitting would be visually

obtrusive and detrimental to the residential amenities of the occupiers of the neighbouring properties.

2)The proposed development by reason of increased activity noise and disturbance, would result in an over intensive use of the site to the detriment of the residential amenities of adjoining occupiers.

Reference: W01758M

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 09.09.1998

Description: First floor rear extension.

Reference: W01758N/04

Address: Hendon Preparatory School Tenterden Grove London NW4 1TD

Decision: Refused

Decision date: 30.11.2004

Description: First & second floor rear extension. Repositioning of fence to extend playground. Relocation of 3 No. sheds and resitting of bin store.

Reason for refusal:

1)The proposed extensions by reason of their bulk, size, sitting and design would be overbearing and visually obtrusive and detrimental to the visual and residential amenities of neighbouring properties.

2)The proposed repositioning of the fence bringing the playground boundary closer to properties in Brinsdale Road would by reason of noise and disturbance be detrimental to neighbouring residential amenity.

***Additional Information: Existing plans show 3 free standing timber sheds with concreted area on either side and a new garage sited approximately in the centre along the rear side of the rear amenity space.

Reference: W01758P/05

Address: Hendon Preparatory School Tenterden Grove London NW4 1TD

Decision: Approved subject to conditions

Decision date: 28.07.2005

Description: New boundary railings facing Tenterden Grove and Brinsdale Road.

3. Proposal

The application seeks approval for the erection of a classroom following demolition of the existing 2 no. sheds.

A site visit confirms that the rear amenity space is currently being used as a playground and houses two sheds, a covered play area in line with the sheds and an area for waste bins, all sited towards the rear end of this amenity space, along the boundary to houses Nos. 1, 3, 5 Brinsdale Road. The school rear amenity space has a gate which allows accesses to Brinsdale Road. However, this gate does not appear to be used as indicated on signage posted on the gate. Waste bins are lined up along this gate, on the footpath along Brinsdale Road.

The proposed works will replace two existing rear sheds with a single unit to be used as a classroom. This will also result in a reduction in the width of the existing bin area.

The site area proposed for the development has an effective width of 11.52 metres and a depth of 5.00 metres to include the two sheds and the bin area. The two adjoining sheds as existing together measure 8.77 metres in width and have a maximum depth of 4.97 metres. It is dual pitched and has a ridge height of 3.10 metres and an eaves height of 2.41 metres. The existing bin area has a width of 3.00 metres and a depth of 4.92 metres.

The proposed works will be restricted to the existing width used together by the sheds and the bins which measures as 11.52 metres.

The proposed classroom will have a flat roof, inclined towards the rear of the unit. It will measure 7.71 metres in width, 3.50 metres in depth, have a maximum height of 2.81 metres along the front elevation and a height of 2.38 metres along the rear elevation. The proposed unit will be set off from the rear boundary by 1.00 metres to allow access to the rear of the classroom. The proposed classroom will have two access doors, one located along the front elevation, towards the bin storage area, accessing the playground and the other along the side elevation, accessing the covered play area which is adjoining the proposed classroom.

The resultant bin area will be sited 0.80 metres away from the proposed classroom towards the boundary along Brinsdale Road and will measure 2.60 metres in width and 5.00 metres in depth. The bin area will be reinforced with a new wall to help aid fire prevention.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties
5no objections received.

Concerns raised are listed as below:

- o Noise pollution due to increased number of students
- o Increased traffic chaos due to increase in student numbers
- o Litter on streets
- o Increase number of students
- o Unsafe street conditions
- o Insufficient Parking space
- o Thoughtless parking
- o Emergency services not accessible to neighbouring residents due to traffic chaos
- o Increased presence of school and future developments in neighbourhood
- o Surrounding developments have increased vehicular footprint
- o Unreliable applicant not adhering to planning consent conditions

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. 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.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

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.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13

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

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016):

- Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene, wider locality and conservation area.
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3 and D4 (both of the London Plan 2021).

Para.14.1.11 of Barnet's Development Management Policies states that: Educational uses have been highlighted by the Secretary of State for Communities and Local Government as a priority. National policy states that "Local planning authorities should: give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted."

Policy DM13 elaborates on developments related to Community and education uses and states that: New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

The proposed classroom will replace the existing two sheds with a single break out classroom. The classroom is proposed to be used as an additional facility by the existing students, to enable more practical small group teaching on subjects such as nature, which would be enhanced in context with the siting of the proposed classroom. The development will be a one storey singular modular build, constructed out of treated timber with a sloped roof to match the adjacent covered play space.

The proposed works will not use any additional space than that pre-existing for the sheds. It will have a smaller footprint than the existing sheds and as such is seen to be a subordinate addition, not seen to detract from the existing character of the school. The materials used will be the same as existing and will have heights as seen acceptable.

To conclude the proposed classroom is considered subordinate in scale to the original host school building and would be in keeping with the established character, respecting the design and proportions of the school and the surrounding area. The development is therefore acceptable on the grounds of impact on character and appearance.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 and D6 (of the 2021 London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Impact on No.1, 3, 5, 7 Brinsdale:

The rear amenity of the school is currently being used as a playground. The proposed classroom will not be used for any additional number of students from that existing - though it is acknowledged that teaching will take place closer to this boundary than is currently the case. However, in that respect - and within the context of the school as a whole - this is considered to be of modest impact during the day. The closest neighbour, from these set of dwellings being 3 Brinsdale, is set away by 7.70 metres from the proposed classroom and conditions will be attached relating to operating hours and governing the MVHR plant. As it is proposed to be used as a breakout classroom for the existing number of students, it is therefore not seen to change the existing conditions on the amenity of these neighbouring dwellings with respect to the general comings and goings of the school and associated parking demand.

Impact on White House:

The proposed classroom will be sited at a generous distance from this neighbour and is not seen to have any considerable impact on the existing amenity conditions to this neighbour.

Impact on Tenterden Lodge, 1 & 1A Garrick Way:

The proposed works are sited well away from this neighbour with Brinsdale road in between. There is not anticipated to be any detrimental impact to these neighbours on account of this. The closest neighbour from these set of dwellings, being 1A Brinsdale is set away by 20.65 metres from the proposed classroom.

Impact on parking and highways:

As there is no proposed uplift in pupil numbers, there would be no impact on the existing conditions on site on account of the proposed works.

5.4 Response to Public Consultation

- o Noise pollution due to increased number of students
- o Increased traffic chaos due to increase in student numbers
- o Litter on streets
- o Increase number of students
- o Unsafe street conditions

- o Insufficient Parking space
- o Thoughtless parking
- o Emergency services not accessible to neighbouring residents due to traffic chaos

These are not material considerations in the assessment of this application since the proposed works would not alter the number of students the school would cater to. The proposed works would not create any change in these existing conditions since the proposed classroom is for the use of the existing number of students. There is no proposed increase in the student count.

Considering the history of developments on the site there has been some ambiguity on the number of students the school was consented to cater to. The enforcement officer was consulted, confirmed that planning consent W01758 refers to a condition on the number of students to be 150. This limit on numbers, was superseded by Planning consent W01758B. This application was initially refused but allowed on appeal. However, there was no condition restricting the number of students with this application. The applicant has confirmed that the use of the premises would be for 150 students and there would be no further increase on this number as such. This application would be conditioned to restrict the number of students using the facility to 150.

- o Unreliable applicant not adhering to planning consent conditions:
Concerns were further raised on the reliability of the applicant considering that previous planning conditions to planning consents have allegedly not been adhered to. The planning history for the site indicates that the proposed plans attached with planning consent W01758B indicate four parking spaces in the rear amenity of the school building with a gate accessing Brinsdale Road. However, it appears that changes were undertaken along the way, replacing these spaces with the current sheds. The existing plans with planning consent W01758N/04 indicated 3no timber sheds in this area with some additional concrete surfaces on either side of these sheds. There is also an additional concreted area, more centred, in line with these sheds. Aerial images indicate that the parking facility approved in 1989 has not been in use since 2010. Aerial images also indicate that the current sheds have been there for over four years and therefore deemed as lawfully established as the existing use. As such the area consented for use as parking loses relevance in the current context. The non-availability of parking space within the premises is therefore not material consideration in assessing this application.

- o Increased presence of school and future developments in neighbourhood
- o Surrounding developments have increased vehicular footprint

Concerns have also been raised with regards to an increasing presence of the school due to developments carried out on the premises since originally existing and with regard to the increased vehicular footprint on account of a development consented opposite the school. However, any planning application is assessed on a case-to-case basis, for the impact of the proposed development on surrounding amenity and therefore this is not seen as material consideration in assessing this application. As set out above, this application proposes no increase above the existing pupil numbers.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed developments are acceptable, and the application is recommended for APPROVAL on character and amenity grounds.

