

Hasmonean High School

in the London Borough of Barnet

planning application no. 16/6662/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing girls school and construction of a new combined boys and girls single sex secondary school with associated sports and recreational areas, landscaping and parking.

The applicant

The applicant is **Hasmonean High School**. The agent is **CSJ Planning** and the architect is **Cube Design**.

Key dates

Stage I report: 9 January 2017

Planning Committee: 22 February 2017

Strategic issues summary

The application does not comply with the London Plan for the reasons set out in this report. Of primary concern is the **inappropriate development on Green Belt land; loss of open space** and, **lack of sustainable transport measures**. There also remain outstanding issues with regard to **urban design, inclusive design, biodiversity** and **climate change**, which would need to be addressed by any revised application.

The Council's decision

Barnet Council has resolved to grant planning permission against officers' recommendation.

Recommendation

That Barnet Council be directed to refuse planning permission, for the reasons set out in this report.

Context

1 On 30 November 2016 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1B and 3D of the Schedule to the Order 2008:

Category 1B - Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings — (c) outside Central London and with a total floorspace of more than 15,000 square metres.

Category 3D - Development—

(a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

2 On 10 January 2017 the Mayor considered planning report D&P/4155/01, and subsequently advised Barnet Council that the application did not comply with the London Plan, for the reasons set out in paragraph 65 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies:

- **Principle of development:** The redevelopment of the existing secondary school to meet the needs of the Jewish community is supported in principle. However, the very special circumstances to justify the school development on Green Belt land have not yet been demonstrated and further information is required, including more limited redevelopment options. The extent of the new development on otherwise largely open land is considered harmful to the openness of the Green Belt, and the loss of existing open space raises significant strategic concern and is contrary to the Council's planning brief for Copthall.
- **Urban design:** The layout configuration of the school buildings does not appropriately mitigate the impact of the development on the openness of the Green Belt. The applicant should present options which would result in significantly less encroachment into the open space. The proposed material palette should be simplified and a more comprehensive architectural approach should be adopted. Pedestrian linkages into the Copthall site should also be provided.
- **Inclusive design:** The applicant should provide further information on how the proposals will meet London Plan Policy 7.2 and achieve the highest standards of accessible and inclusive design.
- **Climate change:** The carbon dioxide savings meet the target set within London Plan Policy 5.2. However, further evidence should be provided to verify the savings claimed. More investigation into overheating and district heating should be carried out. A roof layout with the location of the proposed PV panels should also be provided before compliance with London Plan energy policy can be verified. The proposed sustainable drainage systems should be secured by condition.
- **Transport:** The proposals are broadly acceptable in transport terms, although there are opportunities to further promote sustainable travel. Further details on access, impact on public transport, the walking and cycling routes near the site, construction and deliveries should be submitted. A S106 contribution may be requested to mitigate demand for additional bus capacity, improve pedestrian/cycle safety in the vicinity of the site and fund the travel plan.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 22 February 2017, Barnet Council resolved to grant planning permission against officers' recommendation, and on 11 July 2017 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Barnet Council under Article 6 to refuse the application or issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 24 July 2017 to notify the Council of his decision and to issue any direction.

4 Barnet Council's officers recommended refusal on the following grounds:

- The proposed development, by reason of its location and its excessive footprint, represents inappropriate development within the Green Belt which would cause substantial harm to the fundamental intention and purposes of including land in the Green Belt and the applicant has failed to demonstrate very special circumstances necessary to warrant an exception to the National Planning Policy Framework (NPPF) (paragraphs 88-90), Policy 7.16 of the London Plan (2016), Policy CS7 of Barnet's Core Strategy and Policy DM15 of the Barnet Development Management Policies Document.
- The proposal would result in the loss of a significant area of public open space without replacement, to the detriment of the amenities of users of this space along with neighbouring occupiers contrary to the provisions of Policy 7.18 of the London Plan (2016) and Policy CS7 of Barnet's Core Strategy.
- The proposed development would result in the permanent net loss of the Copthall South Fields Site of Local Importance for Nature Conservation (SLINC) involving the loss of 1.2 hectares of woodland and 3.0 hectares of grassland resulting in potential negative impacts to wildlife species. The proposal would therefore be contrary to the aims of the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity. The proposal would also be contrary to policies 7.19 of the London Plan 2016 and policies CS7 of Barnet's Core Strategy and Policy DM16 of Barnet's Development Management Policies.
- The proposed development would result in the direct loss of a substantial numbers of trees of significant amenity value protected by a Tree Preservation Order. The loss of these trees would result in a severe and demonstrable impact upon the character and appearance of this part of the Green Belt and would be severely detrimental to the visual amenities of the area. The proposal is therefore considered contrary to the provisions of the NPPF, Policy 7.21 of the London Plan and policies CS7 of Barnet's Core Strategy.
- The application does not include a formal undertaking to secure the planning obligations which are necessary for the development to be found acceptable. The application is contrary to London Plan Policies 5.1, 5.2, 6.2, 6.3, 6.9, and 8.2, Policies DM15, DM17, CS7, CS9, CS13 of the Barnet Local Plan Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013).

5 Members of Barnet Planning Committee overturned the officers' recommendation for the following reasons and resolved to approve the application:

- Members are of the view that if the playing fields did not actually form part of the application site the impact on loss of publicly accessible open space would be lessened. This could be covered by an informative.
- Members are of the view that contrary to officer opinion there are indeed very special circumstances here to warrant exception to green belt policy.
 - (a) Operationally there is a need for the two schools to be conjoined the application is for one school.
 - (b) The applicants have made significant efforts to find other sites to accommodate both schools together over some 20 years without success.
- The London Plan allows in Policy 7.18 that applicants can be required to improve the quality of a nearby area of open space at its own expense. Given the special circumstance of this proposal, LBB can require a significant monetary contribution to improve the quality of existing nearby open space.
- London Plan allows in Policy 7.19 that applicants make appropriate compensation for the loss of biodiversity elsewhere in the Borough.
- In relation to the trees taken out currently protected by a TPO members are of the view that the applicant can provide additional tree planting of suitably mature species on the application site.

6 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Officer recommendation - reasons for refusal

7 This report sets out the matters that the Mayor must consider when deciding whether to allow Barnet Council's draft decision to proceed unchanged; direct Barnet Council under Article 6 to refuse the application; or, issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application.

8 Further to the consideration within this report, GLA officers have concluded that the majority of concerns raised at consultation stage are still outstanding, and that the application does not comply with the London Plan. On balance, it is recommended that the Mayor refuses the application for the following reasons:

- **Inappropriate development on Green Belt land and the loss of open space**

The proposed development by reason of its excessive footprint and its location: represents inappropriate development within the Green Belt and very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm; and, would result in a loss of open space contrary to London Plan policies 7.16 and 7.18 and the National Planning Policy Framework.

- **Lack of sustainable transport measures to support the development**

The proposed development by reason of the lack of a robust transport assessment and the absence of mitigation, particularly with regards to bus capacity and/or provision for safe crossing points between the proposed school and Five Ways Corner is likely to have an adverse impact on the transport network, contrary to encouraging active travel to school. This is also likely to be exacerbated by the provision of off site pupil drop off and pick up, contrary to London Plan policies 6.1, 6.3 6.7 and 8.2.

9 Further to the above reasons for refusal, there also remain a number of other outstanding issues with regard to urban design; inclusive design; biodiversity; and, climate change, which need to be addressed.

10 Should a revised application be submitted the applicant should have regard to the outstanding issues discussed below, as well as the comments set out within GLA consultation stage planning report (ref: D&P/4155/01).

Outstanding issues

Principle of development – Education facility on Green Belt land and loss of open space

11 As set out in the Mayor's initial representations, the 8.67 hectare application site is entirely located within the Green Belt and currently comprises the existing Hasmorean Girls' School (2.38 hectares) and areas of public open space (5.88 hectares). The scheme proposes a new combined girls and boys school of 6.19 hectares, with separate single sex facilities, and approximately 2 hectares of the open space (with a pedestrian path) proposed outside the new school fence line, along the southern and northern boundaries.

12 The applicant acknowledges within its planning submission that according to national and London Plan policy the proposed development of the new school within the Green Belt is 'inappropriate', but argues that there are 'very special circumstances' to justify the proposal.

13 When assessing the application at consultation stage, it was concluded that the proposal constituted inappropriate development on Green Belt land and that very special circumstances to justify the school development had not yet been demonstrated. The Council officers' report also concludes that the proposed development, by reason of its location and its excessive footprint, represents inappropriate development within the Green Belt and that the applicant has failed to demonstrate 'very special circumstances'. Contrary to officers' opinion, Members of the Barnet Council planning committee are of the view that there are very special circumstances to warrant exception to Green Belt policy as there is a need for the two schools to be conjoined and as the applicant has made significant efforts to find other sites to accommodate both schools over 20 years without success. In response to the Mayor's initial representations, the applicant maintains that there is a 'very special circumstances' case - particularly in terms of educational need. The applicant provided a response to the Mayor's initial representations seeking to justify its argument that 'very special circumstances' exist.

14 Further to the Mayor's initial representations, the case for 'very special circumstances' is considered below.

Education need in Barnet

15 At consultation stage, the principle of the redevelopment of the existing secondary school to meet the needs of the Jewish community was supported in principle. However, given the proposed location of the school on Green Belt land, further information was sought to justify the need for additional secondary school places that could not be met elsewhere, taking into account students' cross border mobility.

16 In its response, the applicant advised that the Hasmorean School is the only school in London which provides single sex education for the Orthodox Jewish community in London and that the scheme would deliver 350 new places and provide 2 additional forms of entry within the London Borough of Barnet. The application also sought to stress the potential benefits of a combined school, in terms of reduction in overall travel and community use.

17 With regard to educational need, it is noted that Barnet's education service advises that the pressure for places currently experienced across Barnet primary schools will progressively feed through into secondary schools over the next few years, and that, by the end of the decade, a very significant increase in secondary provision will be required. Notwithstanding this the Council's planning team has advised that this gap in capacity is already planned to be filled by a mixture of school expansion schemes, bulge classes and new free schools currently in the pipeline. More specifically, with regard to the demand for additional Jewish secondary school places, Barnet's education service advises that there is a need for between 90 and 135 new places each year to serve northwest London as a whole over the next five years.

18 Having regard to the above, GLA officers acknowledge a forecast need for additional secondary school places in the London Borough of Barnet – albeit, it appears that there is a local pipeline of schemes and measures to respond to this. GLA officers also acknowledge general demand for additional Jewish secondary school places at a sub-regional level – although, officers' expectation would be that this demand would be met across a range of boroughs in the northwest sub-region. Having considered the evidence presented (and mindful of the assessment of impact on Green Belt openness and concerns around alternative site selection discussed below), GLA officers are not satisfied that the level of educational need and demand identified is sufficiently compelling to justify 'very special circumstances' that would outweigh the extent of harm to Green Belt proposed in this case.

Proposed size of the school

19 As set out at consultation stage, the proposed building would occupy 6.19 hectares of Green Belt land (71% of the site) and would have a built footprint of more than 95% larger than the existing girls school on the site.

20 The applicant stated in its response to GLA consultation stage comments that the school could operate on a single sex basis within a smaller footprint. Moreover, the applicant argues that, given that the proposal is merging two schools and providing 350 additional places, the footprint increase of 95% is below what might be expected for a straightforward doubling of the school capacity. However, GLA officers are of the view that this factor of footprint increase ignores the potential for carefully programmed sharing of spaces and/or the stacking of floorspace over multiple levels.

21 The Council's education service in the planning committee report confirms that in relation to the proposed site area, the proposed school site area accords with the Government's building bulletin 103's (BB103) minimum and maximum standards. However, it also notes that it is fairly unusual for new schools in Barnet to fully accord with these standards and many schools are proposed on significantly smaller sites. In relation to the footprint of the proposed building, the total floorspace provided at 15,300 sq.m. exceeds the maximum standards contained within Building Bulletin 103 for the core education offer for a single co-educational school. The Building Bulletin guidelines advise that a maximum standard of approximately 11,900 sq.m. is considered sufficient to accommodate all teaching and learning spaces, including those used for religious education. The applicant's justification for the larger footprint is the inclusion of a synagogue, which BB103 advises is discretionary as it is not needed for education.

22 GLA officers do not object to the inclusion of a synagogue per se, but simply seek an optimised and efficient scheme that would minimise built footprint and harm to Green Belt openness generally. GLA officers remain of the view that, given the location of the proposed school on Green Belt land, and its proposed footprint, the applicant has not made the most efficient use of the site in order to reduce the encroachment on the Green Belt and has not fully explored options to keep the proposed building within the curtilage of the existing girls' school site. It is noted that the school has been expanded at various times in the past with a mixture of single, two storey and three storey buildings on the site - so there is precedent for a multi-storey solution to deliver a more efficient footprint. GLA officers remain of the view that it would be possible to deliver an appropriately sized school within a more efficient building to meet the Hasmonean School's needs, without the extensive Green Belt encroachment proposed currently.

Alternative site selection

23 The methodology and conclusions of the alternative site search assessment submitted with the application were questioned by GLA officers at consultation stage. In particular, the applicant was asked to undertake a site search for sites smaller than 5 hectares, and to include options for providing the girls and boys cohorts on different sites (as is the case at present).

24 In response the applicant has advised that the site search did include sites below 5 hectares, but that these were neither suitable nor available. The applicant did not, however, explore the option of providing expanded girls and boys schools on different sites.

25 Whilst it is acknowledged that the applicant's strong preference is to provide a combined girls and boys single sex school at one site, GLA officers remain to be convinced the colocation of single sex cohorts in this way is an essential requirement (particularly given that the combined school proposed has been designed in a way which would duplicate education and recreation facilities for both girls and boys). GLA officers are therefore of the view that the applicant has not considered the potential options for alternative sites flexibly enough.

26 It is noted that the Council's planning team raised a similar concern (with respect to the approach of only considering sites for a combined school), as well as various other issues associated with consistency/methodology (particularly given that other sites in parks or open space were discounted). The Council's planning team also queried the financial viability justification for discounting the 'Watch Tower House' site (a brownfield site in a Conservation Area), and effectively concluded that the alternative site selection process was a retrospective exercise (given that the site search report was commissioned as an addendum to the submitted environment statement, rather than as a practical tool to help the applicant find alternative sites).

27 GLA officers share the above concerns, and note also that the evidence that has emerged since consultation stage for demand for Jewish secondary school places (which is largely sub-regional), suggests that the 3.12 mile radius for the alternative site selection assessment is likely to be too restrictive, and unlikely to be representative of the potential catchment for the proposed school. GLA officers are therefore of the view that the applicant has not adequately considered the potential options for alternative sites widely enough.

28 Further to the above, GLA officers remain unconvinced that all options for alternative sites have been considered by the applicant. The failure to consider a more flexible approach of providing girls and boys schools on different sites is a significant shortcoming of the assessment, and, following the emergence of a clearer picture of sub-regional demand, the site search radius is considered to be too narrow. There also remain questions about the justification for ruling out the 'Watch Tower House' site, in particular.

Impact on Green Belt openness

29 As stated at consultation stage, NPPF paragraph 79 makes clear that the essential characteristics of Green Belt are their openness and their permanence. Whether or not very special circumstances exist to clearly outweigh the harm caused to the Green Belt by reasons of inappropriateness – and any other harm, the impact on the openness and character of the Green Belt must be rigorously assessed. At consultation stage it was concluded that the extent of the proposed expanded school on otherwise largely open land would not preserve the openness of the Green Belt.

30 In response to the Mayor’s initial representations (and in an effort to justify its proposal in relation to openness), the applicant reiterated that the location of the school (set within a depression in the landscape at the centre of the site) served to limit impact on views across and through the site. The applicant also added that, in its view, the proposals for more limited redevelopment alternatives could not be considered as this would not meet the need for the school and school places.

31 Council officers in the planning committee report conclude that the development of a currently open site for the erection of a new school, associated infrastructure and boundary fencing would constitute an adverse impact on openness. GLA officers concur, and are of the opinion that the proposed location of the school at the centre of the site is misguided. Whilst this would potentially reduce visual impact from the edges of the site, it is detrimental to the coherence and genuine openness of Green Belt land, and undermines the ability to provide a rational a defaceable boundary.

32 The NPPF makes a distinction between the issue of openness and visibility. As defined in the planning guidance, the issue of openness concerns ‘the absence of buildings or development’, not the degree to which a development would be visible. GLA officers therefore remain of the view that the extent of the new school as currently proposed would have a harmful impact on the openness of the Green Belt by virtue of its coverage of what is undeveloped Green Belt land. The application is therefore contrary to the fundamental principles of the Green Belt with regard to openness. With regard to the impact on views, while it is recognised that the proposal does not result in harm to the views tested, this belies the impact that the scheme would have on genuine openness as discussed above.

Loss of open space

33 As stated at consultation stage, the proposed development would result in the loss of 5.88 hectares of informal open space that is part of the Cophall district park.

34 The applicant’s justification for the loss of open space is that only 2.68 hectares of the open space is useable by the public (the remainder being dense woodland) and that the provision of enhanced woodland footpaths around the site of 2.08 hectares and on site sporting facilities for the community out of school hours will mitigate the loss of open space. Barnet planning committee members in support of the application suggested that a contribution be paid by the applicant to improve the quality of existing nearby open space and mitigate the loss of existing open space on the application site.

35 With regard to the impact on the loss of the open space in relation to the wider Cophall Park, the Cophall Planning Brief and the Council’s green spaces team in the planning committee report stress the importance of the informal open space in providing a counterpart to the more formal sports pitches located elsewhere in the wider Cophall Park. Moreover, with respect to the provision of alternative sports facilities, it is noted that the Council’s planning officers advise that there is no shortage of sporting facilities in the locality.

36 The amount of open space being lost as a result of the proposal would be contrary to London Plan Policy 7.18, which resists the loss of protected open space and the replacement of one type of open space with another if there is no demonstrated need for it. On this basis, the benefit of providing additional sporting facilities would not overcome the harm to the existing open space. Furthermore, GLA officers do not consider that the monetary contribution proposed by members of the Barnet Planning Committee to improve the quality of existing nearby open space would compensate for the loss of Green Belt land. GLA officers therefore conclude that the proposal would result in the detrimental loss of public open space to the detriment of local amenities contrary to policy.

Proposed community uses

37 As noted above, the applicant proposes to open some of the proposed sports and recreational facilities to the community out of school hours. As a standard requirement for new schools, should the application be resubmitted a community use agreement would need to be secured via Section 106 with the Council. Access routes to the community areas and clarification of how the rest of the school would be secured/closed off out of school hours should also be addressed.

Conclusion

38 Given the scale of the proposed school building, GLA officers are of the view that the NPPF exception for previously developed Green Belt land does not apply, and that the proposal constitutes inappropriate development. Whilst there are potential benefits to the proposal (in terms of: response to forecast educational need in the borough; response to general demand for Jewish secondary school places in the sub-region; and, potential for community use), GLA officers are of the view that the proposed footprint of the school on Green Belt is excessive, and that the location of the school within the site itself exacerbates impact by significantly undermining the coherence and genuine openness of Green Belt and open space. Noting also the above-mentioned concerns with respect to alternative site selection, GLA officers are not satisfied that there are 'very special circumstances' to justify the extent of harm proposed to Green Belt. The application does not, therefore, comply with London Plan Policy 7.16 and the NPPF. Similarly, the loss of public open space (to the detriment of local amenity) has not been outweighed, and the application does not comply with London Plan Policy 7.18.

39 Whilst it is recognised that a revised planning application at this site would need to be subject to its own rigorous assessment of Green Belt impact, GLA officers are of the view that a more limited development (within the curtilage of the existing girls school site) would be the most appropriate way for a new school to be brought forward. GLA officers would very much welcome the opportunity to work with the applicant and the Council, in order to assist with the development such revised proposals.

Sustainable transport

40 At consultation stage, the applicant was advised that that pupil drop-off / pick-up must not form part of the proposed development as such facilities not only encourage car trips in the vicinity of the site, but undermine cycling, walking and public transport travel to school. In response, the applicant has confirmed that the drop-off / pick-up can be removed from the scheme, although the Council are understood to be in favour of retaining it and as such securing through section 106 or condition as required. To ensure that this scheme strikes an appropriate balance between promoting new development and sustainable transport as well as reduce any highways impact, the proposal for the girls' 27 space pupil drop-off / pick-up facility at Mill Hill Rugby Club and an unspecified drop off for boys must be removed from the proposals.

41 At consultation stage the applicant was asked to forecast the number of additional bus trips and assign them to the network. The applicant advised that they would use pupil postcode data to assess this but has not responded as such. Given the high number of bus trips that the development is forecast to generate (839 bus trips in the morning and 912 bus trips in the afternoon), it is highly likely that a s106 contribution will be required to mitigate the bus impact along with other effective mitigation measures such as staggered school hours. The failure to mitigate the impact of this development on bus capacity is contrary to London Plan Policy 8.2 and would mean that pupils and other users of the network would be unable to board a bus which could further increase car travel in this area. In addition, the proposed provision of two minibuses to serve the two clearly defined school catchment areas should be secured through the S106 agreement. The Council have recognised that these matters must be addressed in their planning report.

42 At stage 1, a safety concern was raised regarding the walking route between the Five Ways Corner bus stops and the school. This matter remains outstanding and the scheme is contrary to London Plan Policies 6.3 and 6.10.

43 The stage 1 report stated that TfL is considering improvements including an 'at grade' Toucan crossing of the A1 Watford Way at the north side of the A1 Watford Way / Page Street junction. The estimated cost of the crossing is £150,000. The applicant has not forecast the demand at this crossing point, which is considered a material shortcoming in the transport assessment. As the crossing is required to facilitate safe crossing between the school and the Five Ways Corner bus stops, as well as promoting wider cycling and walking to school, a £90,000 contribution is required towards the crossing. This contribution should be secured through the S106 Agreement.

44 Understanding the quality of the local walking and cycling routes to school is a fundamental element of a school transport assessment. The stage 1 report requested that the applicant undertake both a cycle level of service (CLoS) assessment and a pedestrian environment review survey (PERS) audit. The applicant has not provided these assessments and this matter remains outstanding.

45 The limited number of access points may discourage sustainable transport as it increases walking/cycling distances round the site perimeter to the school gate. This was raised as a concern at consultation stage. The applicant has responded that the decision was made to limit the entrances due to concern by local residents over uncontrolled drop-off that could have negative impact on highway safety. The applicant's justification is not accepted as more entrance points would increase the potential for walking and cycling directly to the school, supporting active transport, fewer car trips and associated highways benefits.

46 The development would be supported by a construction logistics management plan (CLMP), which would usually be secured by pre-commencement condition in consultation with TfL. Similarly, a delivery and servicing plan (DSP) would be secured by S106 agreement.

47 The stage 1 report requested that the travel plan targets be made more achievable and initially reflect the forecasts from the transport assessment. This matter also remains outstanding. The Council's planning report notes that these matters would be secured and monitored by section 106 agreement.

Conclusion

48 The proposed development has not been supported by a sufficiently robust transport assessment or measures to mitigate the impact of additional walking, cycling or bus trips. The absence of necessary mitigation is likely to render these modes of travel less attractive, which will in turn increase car trips to and from the school. The provision of two separate off site pupil drop off and pick up areas will further undermine active travel and result in a development that is unsustainable in transport terms.

Urban design

49 At consultation stage, the applicant was required to provide alternative design options that would result in a consolidated building with consolidated sports, play and parking areas to achieve significantly less encroachment into the open space. It was also required to explain why some large volumes such as sports and dining halls could not be shared through timetabling.

50 The applicant has provided some justification in terms of visual impacts but has not provided any design options that seek to minimise the building's footprint as requested in the stage 1 report.

51 Whilst from an education perspective, the layout of the site is broadly acceptable, the layout of the building is not as efficient as it could be and results in a greater sprawl than a more compact form could provide. Options for a more efficient building should have been explored. The applicant's proposed design and extension of the school building therefore remain a strategic concern.

Inclusive design

52 The applicant was required to demonstrate how the proposals met London Plan Policy 7.2 which states that the Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design. The response provided by the applicant lacks details in terms of demonstrating this. This matter therefore remains outstanding. It has not been demonstrated what design guidance has been applied to the internal and external design features to demonstrate that they are accessible to all.

Biodiversity

53 The Copthall South Fields site situated to the east and south of the existing school grounds and part of the application site is categorised by Barnet Council as a site of local importance for nature conservation (SINC).

54 The Council's assessment of the scheme in relation to its impact on the site of interest for nature conservation concludes that the development would cause the destruction of the SINC and a net loss of biodiversity on site with permanent loss of 1.2 hectares of woodland and 3 hectares of grassland, causing potential negative impacts to species such as invertebrates, birds, bats and hedgehogs. The scheme would also result in the loss of public access routes into the Copthall Estate, reducing accessibility to a site for sports and wellbeing. Members of the Barnet planning committee stated in their reasons for approval that London Plan Policy 3.9 allows applicants to make appropriate compensation for the loss of biodiversity made elsewhere in the borough.

55 The applicant in its response to the stage 1 comments argued that the loss of trees and habitats will be offset by tree replacement planting (net gain of approximately 100) and biodiversity enhancements within the new school grounds.

56 London Plan Policy 3.19 'Biodiversity and Access to Nature' seeks to avoid adverse impact to the biodiversity interest as a priority but states that, in exceptional cases, appropriate compensation can be made where the benefits of the proposal clearly outweigh the biodiversity impact. As very special circumstances on the loss of Green Belt land have not been demonstrated by the applicant, GLA officers do not consider that the compensation offered by the applicant and suggested by the members of Barnet's planning committee would compensate for the adverse impact on biodiversity and the loss of pedestrian linkages into the Copthall Estate.

Climate change

57 The applicant has provided the requested verification information to support its energy strategy. However, issues on overheating remain outstanding. They are required to address technical overheating issues.

58 With regard to drainage, should the application be resubmitted or considered at appeal, the proposed use of green roofs and swales to achieve greenfield runoff rates and manage surface water runoff would need to be addressed through suitably worded conditions.

Response to consultation

59 Barnet Council advertised the application by site and press notices, and 979 consultation letters were sent to neighbouring occupiers. The Council received a total of 1,476 responses from residents with 573 objections, 898 letters of support and 5 neutral responses. The Mayor of London received 308 representations directly addressed to him, including representations from elected representatives and amenity groups as set out below.

60 The representations received by the Council with regards to the application have been set out in detail in the Council's planning committee report and a copy of the representations have been made available to the Mayor.

61 The key issues raised by the members of the public in objection to the scheme are summarised as follows: loss of public open space, SINC, habitat, mature trees and hedgerows; loss of amenity space and loss for the whole community; loss of continual access; inappropriate development on Green Belt contrary to national and local policy and adopted planning brief; existing site should be redeveloped; expansive size of the school that is out of scale with its surroundings; poor design and landscaping; no reason for school to be co-located if separate education; lack of need for additional faith school; Council schools should be mixed schools, not religious ones; other sites are sequentially preferable; impact on traffic and congestion, on air quality and environment, on health and on noise, impact on drainage and flooding, lack of parking.

62 The points raised in the letters of support can be summarised as follows: proposal will benefit the school, pupils and teachers; existing school is oversubscribed; existing boys school inadequate and not fit for purpose; girls' school in need of an upgrade; existing schools are exemplary and rated outstanding with well-behaved pupils and should be supported by the Council; school will take pressure off places in other local schools; combined school will deliver economies of scale; modern building will enhance the character of surrounding area; the proposal will result in highway improvements and less traffic congestion; concern for children and pupils is more important than Green Belt considerations; limited impact on Green Belt; Copthall site is not very well used; plans suitable to location and environment; will improve functionality of the land to the community, improved sports facilities for the community that compensate for loss of open space and free up sites for housing and existing boys school land.

Responses from statutory and other consultees

63 The following statutory consultees, amenity groups and elected representatives have also commented:

- **Sport England:** Advised that a full size Artificial Grass Pitch (AGP) be provided and recommended a condition for the submission of a Community Use Agreement. Officers in their planning committee report confirmed that a condition would be secured.
- **Environment Agency:** No objection raised.
- **Natural England:** No objection raised in relation to the SINC.
- **Historic England:** No objection raised.
- **Neighbouring Associations** including Mill Hill, Northaw and Cuffley, North Cray Residents Associations, Mill Hill Preservation Society, Mill Hill Neighbouring Forum, Campaign for the Protection of Rural England, Ramblers Association and RSPB, and Barnet Society all objected to the application for the reasons that can be summarised as follows: proposal is contrary to Green Belt policy and risks of creating a precedent in the area; it is also contrary to Council's plans for the Cophall estate; search for alternative sites has not been fully explored; excessive size of the school for this sensitive site; poor school design, landscaping and sustainability; loss of community open space and public access; limited benefits of the proposal for local people; destruction of SINC; loss of trees and mature landscape, wildlife and biodiversity/ecology, heritage landscape; increased number of pupils and intensification in the area will lead to increased traffic, congestion, pollution and impact on the wellbeing of local people; impact of the proposal on drainage and flood attenuation; object to high level of on-site car parking and drop-off point.
- **Assembly member for Barnet:** Andrew Dismore has objected to the proposal to the Council as it would create a precedent for more intrusive applications in the Green Belt and advised that clear and improved public access conditions be secured by the Council should the school proposal be approved.

Representations sent directly to the Mayor

64 The following elected members, religious leader, amenity groups/organisations wrote directly to the Mayor:

- **Assembly member for Barnet:** Andrew Dismore objected to the proposal and advised that opportunities to expand sustainable travel be looked at.
- Other **elected representatives:** Mike Freer, Member of Parliament (MP) for Finchley and Golders Green, Matthew Offord, MP for Hendon and Councillor (Cllr) John Marshall (Garden Suburb Ward) urged the Mayor to support the application which responds to the school's long ambition to relocate to a larger site and meets the school's needs. Cllr Val Duschinsky and Cllr John Hart (Mill Hill Ward) objected to the application because of the loss of the Cophall Green Belt area, the proposed scale of the two new school buildings and the fact that the two schools would continue to operate as two completely separate establishments.
- **Chief Rabbi Ephraim Mirvis and the Executive Headteacher of the Hasmonean School** asking the Mayor to support the application to respond to the demand for places at the school.
- **London Green Belt Council** objected to the proposal arguing that the applicant has not made sufficient attempt to respond to the Mayor's stage 1 comments about preserving the openness of the Green Belt.
- **Green Belt Destruction NW7, NW London RSPB, Mill Hill and Northaw and Cuffley Residents' Associations** objected to the loss of publically owned and publically accessible Green Belt land.

65 On balance, GLA officers are content that the relevant planning issues raised in these comments have been considered and are addressed in the Mayor's stage 1 and stage 2 reports, and the Council's planning committee report and addendum report of 22 February 2017.

Article 7: Direction that the Mayor is to be the local planning authority

66 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. An initial review of these policy tests suggests that the Mayor could take over this application but in this instance GLA officers are recommending that the Mayor directs refusal.

Legal considerations

67 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

68 The 2010 Equality Act places a duty on public bodies, including the GLA, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines the protected characteristics, and in this case those of age, disability, race and religion are of particular relevance. For the avoidance of doubt, GLA officers have had due regard to the duty under the Equality Act 2010 in the consideration of this case.

Financial considerations

69 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

70 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

71 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

72 The applicant has failed to adequately address the majority of the concerns raised at the consultation stage and the application does not comply with the London Plan. On balance, GLA officers recommend that the Mayor directs refusal for the following reasons:

- **Inappropriate development on Green Belt land and the loss of open space**

The proposed development by reason of its excessive footprint and its location: represents inappropriate development within the Green Belt and very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm; and, would result in a loss of open space contrary to London Plan policies 7.16 and 7.18 and the National Planning Policy Framework.

- **Lack of sustainable transport measures to support the development**

The proposed development by reason of the lack of a robust transport assessment and the absence of mitigation, particularly with regards to bus capacity and/or provision for safe crossing points between the proposed school and Five Ways Corner is likely to have an adverse impact on the transport network, contrary to encouraging active travel to school. This is also likely to be exacerbated by the provision of off site pupil drop off and pick up, contrary to London Plan Policies 6.1, 6.3 6.7 and 8.2.

73 Further to the above reasons for refusal, there also remain a number of other outstanding issues with regard to urban design; inclusive design; biodiversity; and, climate change, which would need to be addressed should a revised application be submitted.

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