

MEETING**PLANNING AND ENVIRONMENT COMMITTEE****DATE AND TIME****TUESDAY 23RD OCTOBER, 2012****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting.

Item No	Title of Report	Pages
6.	UPDATED Addendum to the Report of the Assistant Director of Planning and Development Management;	1 - 10

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PLANNING & ENVIRONMENT COMMITTEE MEETING

23rd October 2012

AGENDA ITEM 6

UPDATED ADDENDUM TO REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

Pages 5 - 52

Reference: F/03772/12

Address: Barnet Eruv

Since the publication of the report, four requests have been received from local residents expressing concern about the length of time given in respect of notification of speakers and to arrange attendance at the meeting. Request that the application be withdrawn from the agenda

Page 14 First Consultation Round

Amend number of replies from 97 to 103.

Amend number of objections received from 92 to 101.

Page 17 Second Round of Consultation Letters

Third paragraph, amend number of letters received to 16.

Add the following additional points of objections to the summaries on page 15 and page 17:

- "Should consider the Eruv itself in full including its purposes and implications. (1)

Not objecting on grounds of particular material/physical features of eruv.(1)

- Objections on grounds of:

Parliamentary Legislation

- Race relations, race discrimination, religious discrimination and breaching equality legislations. (1)
- Barnet and eruvs – planning history and related issues. (1)
- Insurance – will the eruv be adequately insured and will TFL require the same indemnity and liability insurance as previously. (1)
- Perceived insecurity and related issues, it is important that social harmony is maintained across our diverse borough. (1)
- Race relations Act 1976 – not specifically about religious discrimination but this and other subsequent acts relevant when applications made by orthodox Synagogues for legal planning recognition of new, bounded, private domain areas in Barnet. (1)

- It applies as virtually all orthodox Jews in Barnet are described as “white in colour”. (1)
- The proposed eruv may also contravene the race relations (Amendment) Act 2000, the Human rights Act 1998 and the Equality Act 2008 and 2010. (1)
- The proposed eruv could result in direct and indirect discrimination (racial, religious or both) in respect of the buying or renting of property within an eruv although this is often hard to prove and act against.
- The proposed Eruv boundaries cannot be justified under either the race relations Act 1976 or the equality Act 2006 as the discrimination is not justified on non-religious or non-racial grounds. (1)

The proposed eruv is not a proportionate means of achieving a legitimate aim as the area covered by the proposed eruv affects a much larger area and population who would not benefit from it.(1)

- There is potential within the existing and proposed Eruv boundaries for direct or indirect race or religious discrimination against individuals or groups who are not Orthodox Jews. The Council anti discrimination responsibilities do not only relate to those who apply for the Eruv boundaries. (1)”

Additional comments received following second round of consultation:

- “Concern in respect to the wording of the questionnaire and the inclusion of the questions in respect of age, religion, ethnicity, address, etc.
- Security risk.
- Offensive to persons of other religions may be discriminating against persons of different religions.
- Concerns in respect of publicity given to the application in the public meeting organised by the applicants for a Sunday morning at 10am.
- The proposed Eruv would incorporate many residents who are not Jewish.”

Pages 53 - 116

Reference: F/03356/12

Address: Woodside Park Eruv

Add the following condition:

The poles hereby approved shall be sited as far back from the road as possible towards the rear of the footway.

Reason

To ensure that the poles do not obstruct or restrict the access or flow of pedestrians.

Page 67 First Consultation Round

Amend number of replies to 98.

Amend number of objections received to 64.

Page 68

First paragraph, amend number of letters received in support to 34.

Add the following additional points of objection to the summaries on page 68 and page 71:

- “Should consider the Eruv itself in full including its purposes and implications. (1)

Not objecting on grounds of particular material/physical features of eruv.(1)

- Objections on grounds of:

Parliamentary Legislation

- Race relations, race discrimination, religious discrimination and breaching equality legislations. (1)
- Barnet and eruvs – planning history and related issues. (1)
- Insurance – will the eruv be adequately insured and will TFL require the same indemnity and liability insurance as previously. (1)
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Pages: 117 - 164

Reference: H/01150/12

Address: Belmont Farm, The Ridgeway, NW7

Amend Recommendation IV to read as follows:

That if an agreement has not been completed by 23/01/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/01150/12 under delegated powers for the following reasons:

1. The development does not include a formal undertaking to meet the monitoring costs associated with the travel plan, and as a result it is considered that the proposals would have a harmful impact on highway and pedestrian safety, contrary to Policy DM17 of the Adopted Development Management Policies 2012.

A subsequent letter has been received from the applicant on 19/10/2012.

This advises that the applicant considers that that the application should be determined with applications H/00554/12 and H/00652/12 for the conversion of the stable block to form a dwelling. However, in the opinion of officers, the applications can be considered separately, as they are separate planning applications; amended plans have been received showing no dwelling within the stable block and the application is considered acceptable on its own merits.

The applicant has advised that they consider conditions 4 and 12 unreasonable. Specifically, that the hours of use condition is unduly restrictive and that this should be 7am – 10pm Mon-Fri and 9am-10pm Sat-Sun.

This issue was assessed by the previous appeal inspector who considered that the current opening hours 8am-6pm Mon-Fri and 9am-6pm Sat-Sun were reasonable. It is

recognised that the farm would be relocated to a somewhat less sensitive location however the hours proposed in the letter are considered unacceptable in terms of the impact this would have on neighbouring residents.

Furthermore the applicant has requested that seminars, workshops and conferences be able to take place. In the opinion of officers such events would have potential to cause significant harm to neighbouring amenity and highway safety.

The letter also highlights the amount of support received and that in the view of the applicant they could erect animal pens and enclosures without permission.

Amend Condition 13

The development shall be implemented in accordance with the layout shown on plans Sk LE-12a, Sk LE-13a and the letter from David Lane received 12/10/2012, and shall permanently be maintained thereafter.

Reason: To safeguard the openness of the green belt and character of the locality.

Pages: 168 - 188

Reference: H/03057/12

Address: Inglis Barracks, Mill Hill East, NW7 1PX

Amend Condition 3 on page 166 of the report:

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

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

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

Reason:

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

Additional condition

The following condition should be added to the recommendation as Condition 10.

Details including elevations of the information board as shown on the approved plans shall be submitted and approved in writing by the Local Planning Authority prior to its installation and shall be implemented in accordance with the approved scheme.

Reason:

To ensure the appearance of the locality is protected and enhanced and to ensure that the development conforms with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

Pages: 189 - 273

Reference: F/02182/12

Address: Kingsgate House, Amberden Avenue, London, N3 3DG

Errata

The following corrections shall be made to the report. Deleted text is struck through and new text is shown italic underlined.

Paragraph 3.17 on page 239 of the report:

“The proposed development is liable for charge under the Mayoral Community Infrastructure Levy (CIL). The applicant has confirmed that the existing floorspace on the site has been occupied continuously and as such it would appear likely that only the additional floorspace generated by the development would be liable for charge under CIL. The additional gross internal area generated by the development is ~~3342m²~~ *3343m²*. At the relevant rate, of £35 per square metre, this equates to a charge of ~~£116998~~ *£117,005*.”

Additional Informative

The following informative should be added to the recommendation as Informative 13:

13. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £117005.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

Pages: 275 - 297

Reference: H/01744/12

Address: Holcombe House and MIL Building, The Ridgeway, London NW7 4HY

Amend condition 1 on page 276 - substitute plan no. PL-211 Rev C for PL-211 Rev B.

Pages: 299 - 309

Reference: H/01745/12

Amended Address: Holcombe House and MIL Building, The Ridgeway, London NW7 4HY

Amend condition 1 on page 299 - substitute plan no. PL-211 Rev C for PL-211 Rev B.

Pages: 311 - 321

Reference: W/13582E/07 and H/03635/11

Address: Stonegrove and Spur Road Estate, Edgware, HA8 8BT

Errata

The following correction shall be made to the recommendation on page 311 of the report where the letter 'y' has been omitted from the word delivery. New text is shown italic underlined.

Authorise the completion of all necessary legal and other documentation to enter into a Deed of Variation to the Section 106 Agreement attached to planning permission W13582E/07 and H/03635/11 in order to amend the trigger date for the delivery of the Community Centre and any associated amendments to the definitions for the New Community Centre and New Church and Ancillary Facilities.

Pages: 327 - 395

Reference: H/02475/12

Address: Stonegrove and Spur Road Estate, Edgware, HA8 8BT

Additional Comments

A letter of support (dated 16th October 2012) has been received from the Independent Resident Advisor for the Stonegrove and Spur Road Estate Regeneration on behalf of the Stonegrove and Spur Road Partnership Board Resident Representatives. The letter contains the following comments:

- Resident representatives have an overall interest in the design and development of all homes being constructed for the regeneration project.
- Representatives have considered the views expressed at the recent consultation events regarding traffic management at the Canons Court, Tesco/McDonalds roundabout and service road rat runs.
- And will continue to work with the delivery partnership to ensure that the concerns raised are dealt with to improve traffic management in the area.
- Resident representatives give their full support for the application being approved and adding more homes and green space to the regeneration of Stonegrove and Spur Road estate.

Additional Condition

The following condition should be added to the recommendation on page 328 of the report:

Before the commencement of each Zone hereby permitted full details of the electric vehicle charging points to be installed in the basement car park that serves the relevant zone shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 94 of the approved parking spaces within the basements to Zone 2B and 5B/7 to be provided with active electric vehicle charging facilities. 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 6.13 of the London Plan.

Errata

The following corrections shall be made to the report. Deleted text is struck through and new text is shown italic underlined.

Condition 4 on page 328 of the report:

Car Parking Management Plan

Prior to the occupation of each Zone hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. the allocation of car parking spaces;
- iii. on site parking controls and charges;
- iv. the enforcement of unauthorised parking; and
- v. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason:

To ensure that adequate parking is provided on the site and managed in line with the Council's standards in the interests of pedestrian and highway safety, to ensure the free flow of traffic to and from the ~~National Health Blood and Transplant~~ site in accordance with policies M2, M8, M10, M11, M12, M13, and M14 of the Barnet UDP 2006 and policies 6.13 of the London Plan 2011.

Page 328 of the report makes reference to the informatives being contained in Appendix 4. This should be Appendix 7.

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