

MEETING**EAST AREA PLANNING SUB-COMMITTEE****DATE AND TIME****MONDAY 12TH NOVEMBER, 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 which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
6a.	ADDENDUM - 12 NOVEMBER 2012	1 - 12

Maria Lugangira 020 8359 2761
maria.lugangira@barnet.gov.uk

This page is intentionally left blank

EAST AREA PLANNING SUB-COMMITTEE

12th November 2012

AGENDA ITEM 18

ADDENDUM TO ACTING ASSISTANT DIRECTOR OF PLANNING & DEVELOPMENT MANAGEMENT'S REPORT

All references in the recommendations which refer to the Assistant Director of Planning and Development Management should be amended to refer to the "Acting Assistant Director of Planning and Development Management"

The Core Strategy and Development Management Policies documents were adopted by the Council on September 11 2012. Following that date both documents were subject to a 6 week period of legal challenge which ended on October 30 2012. In this period of legal challenge the saved 183 policies within the adopted Unitary Development Plan (UDP) remained as part of Barnet's development plan and the policies in the CS and DMP were given very significant weight.

The Core Strategy and Development Management Policies documents were not subject to legal challenge and as of October 31 2012 these documents formally replaced the 183 UDP policies. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Planning decisions therefore required reference to relevant policies in the UDP, CS and DMP before October 31 2012. Therefore, all references to adopted UDP policies contained within the Committee Reports are no longer applicable and should not be taken into account when considering the applications.

References in the conditions and informatives to the adopted UDP will be removed and replaced with the appropriate Core Strategy or Development Management Policies as set out in the appendices of the Local Plan.

Page 1-14

B/02791/12

Waterworks Cottages, 86 Brunswick Park Road

The site location plan which accompanies the Committee Report is not correct, and the relevant site plan is below.



Page 15-20

B/02489/12

Gates to rear of East Walk and Ferney Road

One additional letter of objection received (comments summarised):

- Do not expect restrictions on the access to garage.
- Gates will compromise safety, as will have to exit vehicle to open and close gates before getting to garage – at present can drive straight into garage without exiting vehicle.

One letter of support received from the Metropolitan Police Brunswick Park and Coppetts Safer Neighbourhood Officer (comments summarised):

- Offer full support to this project.
- Evidence from similar installations throughout the ward is that they have a noticeable impact on the reduction of acquisitive crime (thefts and burglaries) in the area.
- Since 9 May 2012, 26 acquisitive crimes have taken place in the area.
- Offenders use the alley ways so as to not be seen, as such the gates would deter such criminals and make it more difficult to undertake such crimes.

•

Page 33-50

F/03139/12

Dick Turpin, 383 Long Lane

Application withdrawn.

Page 51-58

B/02356/12

30 Grimsdyke Crescent

Two additional letters of objection have been received, making the following comments (summarised)

- The proposal description fails to refer to the raising of the ground and first floor levels of the property (Officer Note: Such internal alterations do not require planning permission; the external alterations are assessed in the full Officer's report).
- The alterations to the side projection would mean the extension is no longer subordinate.
- The extension and internal alterations would result in a loss of amenity for No. 32, a loss of privacy by overlooking, and a loss of light by overshadowing.
- Patio fails to consider the topography of the site and is out of keeping with the neighbourhood. It would result in a loss of amenity to No. 32.
- Privacy screen will be visible from neighbouring properties, and appear overbearing, unsightly, and shade the neighbouring patio.
- Object to any side windows overlooking neighbouring properties.

Page 59-108

B/03772/11

Barnet ERUV

Page 61

Amend Informative 1 i) by substituting 'Adopted Barnet Unitary Development Plan (2006)' with 'Adopted Core Strategy and Development management Policies (2012)'.

Page 62

Omit Adopted Barnet Unitary Development Plan (2006) together with the list of policies referred to.

Core Strategy substitute 'Submission Version (2012)' with 'Adoption (2012)'

Add the following policies to the list:

- CS07 - Enhancing and protecting Barnet's Open Spaces
- CS09 - Providing safe, effective and efficient travel
- CSNPPF - National Planning Policy Framework –
presumption in favour of sustainable development

Development Management Policies substitute 'Submission Version 2011' with 'Adopted 2012'

Add the following policies to the list:

- DM02 - Design Standards
- DM13 - Community and education uses

Add the following to ii) after the first paragraph:

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advises has three dimensions;

economic, social and environmental. It is considered that this application is prompted by the social dimension in that it reflects the community's needs and supports its health, social and cultural well being.

The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment needs be taken into account in the consideration of this application.

The application is also supported by the London Plan, in particular Policy 3.16 which seeks the protection and enhancement of social infrastructure.

In addition the application has the support of the Council's development plan policies particularly policy DM13.

Each individual Eruv equipment site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the visual amenities of neighbouring residents. In conservation terms the application would be neutral and would therefore preserve the character and appearance of the adjoining conservation area.

The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway.

The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken into account in the consideration of this application. No one group would be directly disadvantaged by the consideration of the Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families and the elderly.

Page 64

Omit 'Table 2 Barnet UDP (May 2006) Saved Policies' and replace with the following:

Table 2 Barnet Adopted Core Strategy (CS) and Development Management Policies (DM) (2012)

Policy	Key Requirement
CSNPPF National Planning Policy Framework – Presumption in Favour of Sustainable Development	Sets out that planning applications that accord with policies in Barnet's Local Plan will be approved without delay, unless material considerations indicate otherwise.
CS01 Barnet's Spatial Strategy - Protection, Enhancement and Growth	Sets out the vision of how Barnet will change and where that change will happen.
CS05 Protecting and Enhancing Barnet's Character to Create High Quality Places	Sets out our priorities for high quality design and the importance of protecting and

	enhancing Barnet's historical heritage and what makes Barnet distinctive in particular our suburban family houses and gardens. Provides basis for more detailed design guidance on suburban streets whose residential character has changed or may change in future. Identifies strategic locations for tall buildings and locally important viewing corridors.
CS07 Protecting and Enhancing Barnet's Open Spaces	Ensures that access to open spaces is improved and that they become more attractive as places to a wider range of users. Highlights protection and enhancement of biodiversity.
CS09 Providing Safe, Effective and Efficient Travel	Sets out priorities of ensuring more efficient use of the road network including taking a comprehensive approach to tackling the school run. Highlights delivery of high quality transport systems in regeneration areas and town centres as well as seeking more environmentally friendly transport networks.
CS10 Enabling Inclusive Integrated Community Facilities and Uses	Ensures community buildings including schools, libraries and meeting spaces are located where they are easily accessible and that new and existing provision is used more efficiently for joint service delivery.
CS12 Making Barnet a Safer Place	Ensures that streets, town centres and open spaces feel safer and that new development designs out crime. It also highlights partnership working with the Metropolitan Police on re-modelling its estate as a basis for an effective and responsive police service in Barnet.
DM01 Protecting Barnet's Character and Amenity	Sets out what is expected from development proposals in Barnet and highlights the preservation and enhancement of local character.
DM02 Development Standards	Sets out the national and London wide standards with which we expect development proposals to comply with.
DM03 Accessibility and Inclusive Design	Sets out the principles of inclusive and accessible design that development proposals must meet.
DM06 Barnet's Heritage and Conservation	Sets out how heritage assets including

	listed and locally listed buildings, conservation areas and archaeological remains will be protected.
DM13 Community and Education Uses	Sets out that loss of community / educational premises will be resisted unless a replacement facility is provided or that it is demonstrated that the use is no longer needed. Highlights that proposals for new uses should be in accessible locations including town centres and local centres.
DM16 Biodiversity	Sets out that development proposals should provide for retention, enhancement or creation of biodiversity and not adversely impact on sites of nature conservation importance.
DM17 Travel Impact and Parking Standards	Sets out that development proposals with potential for significant trip generation should be in locations which can be accessed by a range of transport modes. It also highlights local infrastructure needs and parking standards for residential development.

Page 67

Relevant Core Strategy policies:
Add the following to the list:

- CSNPPF National Planning Policy Framework – Presumption in Favour of Sustainable Development
- CS07 Protecting and Enhancing Barnet's Open Spaces
- CS09 Providing Safe, Effective and Efficient Travel

Relevant Development Management policies:
Add the following policies to the list:

- DM02 Development Standards
- DM13 Community and Education Uses

Page 70

Paragraph 4

Omit 'although this is often hard to prove and act against' replace with 'Informal discrimination can be hard to prove. But legalised indirect discrimination against groups of people is proved more easily'.

Page 71

(i) at bottom of the page substitute '180' with '182'.

Page 73

Paragraph 9 – amend as above.

Paragraph 15 omit and replace with the following:

The reason given [by synagogues] is a discriminatory one – that its laws require it to discriminate against its own elderly, very young and disabled. This reason is against the charitable and caring principles of a number of other religions in the borough.

Final paragraph omit and replace with the following:

All residents (of other faiths and none) who would be placed within the Synagogues' huge "private domains" and visible religious boundaries should be openly and fully consulted.

Since the report was prepared a letter has been received from one of the consultation respondents requesting amendments to the summary of her objections. This has been addressed in respect of the above changes to comment on pages 70 and 73 of the report.

A further completed questionnaire has been received, outside of the consultation period, from a Jewish member of the community supporting the application on grounds that it will make Sabbath life easier for affected practicing Jews and may help increase property values in the affected area.

Page 109

F/02609/12

Unit 1 Tally Ho Corner, 9 Nether Street, London, N12 0GA

The following conditions have been amended since the officer's report.

- Condition 5 should be amended to read as:

The use hereby permitted shall not operate before 7am or after 12am on weekdays and weekends.

Reason: To safeguard the amenities of adjoining properties.

- Condition 8 should be amended to read as:

The number of people on site associated with the recording studio use on the ground and first floor will be a maximum of 15 people at any one time after 11pm.

Reason: To protect the residential amenities of the neighbouring occupiers.

- Condition 4 should be amended to read as:

The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the recording studio as measured within the adjacent habitable rooms of the development known as 100 Kingsway shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm. A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

Officers request that the application be withdrawn from the agenda as substantial objections have been received that need further time for consideration.

Changes to the report:

Recommendation I with details of the legal agreement requirements should be inserted on page 133 as follows:

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Submission of Documentation** **£0.00**
Requirement to submit an Activities Management Plan for approval by the Council prior to occupation of the proposed development.
- 4 **Requirement to submit Travel Plan** **£5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

Conditions 15 and 19 should be deleted because the submission of a Travel Plan and Activities Management Plan is controlled by the required legal agreement detailed in recommendation I.

Reference to UDP policy M11 in condition 17 should be replaced by policy DM17 of the Local Plan Development Management Policies DPD (2012).

The table in condition 16 should be amended as follows (changes in bold):

*Occasions	Duration
Rosh Hashana	(2 days)
Kol Nidre	(1 evening)
Yom Kippur	(1 Day)
Pessach	(4 days)
Shavout	(1 evening and 2 days)
Succot	(3 days)
Yom Hashoah	(1 day)

Chanuka	(1 day)
Purim	(1 day)
Simchat Torah	(1 day)
Shavuot	(1 night)
Selichot	(1 night)
Youth group overnight activities	4 times a year
Uses associated with "Together in Barnet Shelter"	One day per week between 1 December to 30 April each year for a maximum of 17 people

Update/clarification on consultation:

The consultation exercise has consisted of:

- An initial consultation by way of letters to 113 addresses within 50 metres of the synagogue. The original letter's description read as follows:
 - Part demolition of buildings ancillary to main hall and erection of new two storey extension to re-house existing kindergarten, function rooms and administration offices.
- A second round consultation consisting of letters/emails to approximately 450 addresses (including all original consultees and any residents having responded to the original round of consultation). The amended letters contained clarification in the description of the proposals as follows (change in bold):
 - "Part demolition of buildings ancillary to main hall and erection of new two storey extension to re-house existing kindergarten (**including increasing children numbers from 42 to 60**), function rooms and administration offices".
- A site notice was erected outside the synagogue.

All representations made as a result of both rounds of consultation have been summarised and addressed in the report to committee.

Add the following to the Equality and Diversity section:

Equality Duties and the Equality Act 2010

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes

to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) Having 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 involves having due regard, in particular, to the need to-
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) tackle prejudice, and
 - (b) promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (6) The relevant protected characteristics are-
 - age;
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

It is considered that the following protected groups will potentially be affected by the proposal:

- Jews

The rationalisation of the uses on site within a new building would provide a better quality of accommodation for Jewish worshippers and users of ancillary activities provided by the synagogue.

- Disabled people

The proposals would significantly benefit disabled members of the synagogue's congregation by providing DDA compliant access throughout the new buildings and larger circulation space between the different uses and rooms within the building.

- Young children

The proposals would provide better facilities for young children attending the Kindergarten. The proposed changes to the layout of the site which include the relocation of parking spaces away from children play area would reduce potential conflicts between children and vehicle and as a result provide a safer environment for children using the Kindergarten or visiting the synagogue and its ancillary uses.

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding”

It is considered that the planning application itself provides an opportunity for inter-religion understanding to be promoted. The applicant have held public meetings with the local community prior to the submission of the application and whilst the application was being considered.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above in the case of each of the affected protected groups. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on Jewish, disabled and young users of the site.

Officers consider that in practice the development would not change the use of the land nor impose any changes in behaviour on others. The development proposed would not result in any significant changes to the access of the site that could impact on road/pavement users.

There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups, outside of the Jewish community.