

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 12TH FEBRUARY, 2019**

**AT 6.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING  
COMMITTEE (Quorum 3)**

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**ASSURANCE GROUP**

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## **ORDER OF BUSINESS**

Item No	Title of Report	Pages
5.	Addendum (if applicable)	3 - 18

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**Pages: 13 – 19 (Agenda Item 6)**

**Ref: TPM/0640/18**

**191 West Heath Road (land rear of Carlton Close), London, NW3 7TT**

On the third page of the report for this case (page 15 of the agenda pack) it is noted that proposed treatment to four trees (a Lombardy Poplar, a Cedar, a Sycamore and a Norway Maple) originally listed on the submitted application form was withdrawn.

Please note that on the 7<sup>th</sup> February 2019 the Planning Department received a fresh application form proposing treatment to these four trees. The new submissions have not yet been validated as further clarification is required.

**Pages: 21 – 32 (Agenda Item 7)**

**Ref: 18/5652/FUL**

**4 Woodstock Road, NW11 8ER**

Amendment to recommendation:

**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. Highways (traffic order) £2,022.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development of the new second floor (top floor) flat (Flat 5).
4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

## **RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning.

The conditions are set out in the report.

## **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 23/04/2019, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

**Pages: 49 – 76 (Agenda item 9)**

**Ref: 18/6035/FUL**

**1069 Finchley Road, London, NW11 0PU**

The Site History section of the report shall be amended on Page 62 in reference to application reference 17/7490/FUL, which was appealed and approved by the Planning Inspector on the 5<sup>th</sup> February 2019. The section shall be amended to read as follows:

**Reference: 17/7490/FUL (Appeal reference: APP/N5090/W/18/3204878)**

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused (Appeal Approved and decided 05/02/2019)

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels. Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

### **Reason for refusal:**

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

The Inspector commented as follows on the refusal of application reference 17/7490/FUL due to the absence of a legal agreement:

*"6. Users of the offices would be unlikely to generate a parking demand due to the controls on commuter parking nearby. Occupants of the six flats could potentially own cars and seek parking permits. However, there are several factors that are likely to affect the number of vehicles that are associated with the development.*

*7. Firstly, as a relatively small-scale scheme, the number of additional vehicles seeking spaces on surrounding streets would be modest. Secondly, the type of residential accommodation would be more attractive to smaller households rather than families and as a result, occupants would be less likely to own or desire a car. Third, the absence of parking within the site or immediately outside the front door would put off some from owning or using a car. Fourthly, there are a range of shops and services on the doorstep which can be reached on foot. Finally, although the PTAL1 score is only 2 within a range of 0 to 6, the site is on a busy bus route and within walking distance of Golders Green and Brent Cross Tube Stations. Central London and a range of other services and facilities can be accessed by non-car modes in a little over half an hour or less. The above factors are supported by census data on car ownership rates which points to a development of this type in this location resulting in four vehicles.*

*8. For the modest number of residents seeking on-street parking, surveys conducted on behalf of the appellant using the Lambeth Methodology show that there is ample capacity in the surrounding streets both overnight and during restricted daytime periods, including in those side roads closest to the appeal site. Applying a worst-case demand for six on-street parking spaces from the development, 45% of potential spaces in the surveyed area would remain available overnight and 34% of spaces available during daytime periods.*

*9. The surveys have been described as robust by both Planning and Highway Officers. Although there are some errors in street naming I have no reason to doubt the overall veracity of the surveys. No alternative analysis is before me. When I visited the area at about midday, although there was significant on-street parking, there was a good supply of spaces available. I appreciate that this was a snapshot only but what I saw is consistent with the evidence.*

*10. It follows that the residents of the development would be able to find a parking space without undue difficulty. As a result, parking stress and material highway dangers would not be likely to arise from the development. There could be occasions when residents may need to drive around for a little while to find a space, but this would be no different to the situation faced by existing residents of the area or their visitors. It is likely that spaces closer to Finchley Road would be in greater demand. However, provided all drove safely and with courtesy and parked considerately and legally, the highway network would continue to be able to operate safely and efficiently. Given that residents of the flats would be familiar with on-street parking as a characteristic of the area, they would be likely to be considerate of other highway users.*

*11. In conclusion the parking arrangements would be acceptable with regard to the safe and efficient operation of the local highway network. There would be compliance with Policy CS9 of Barnet's Core Strategy (2012) and Policy DM17 of Barnet's Development Management Policies (2012) as the development would be mixed use and surveys demonstrate that there*

*is sufficient on street parking capacity within the CPZ. This conclusion is consistent with the findings of the Inspector who allowed an appeal for flats at the nearby Clifton Gardens (Appeal decision ref: APP/N5090/W/16/3151707 dated 3 October 2016).*

*12. Planning obligations must only be sought where they meet legal and policy tests set out in the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework (the Framework). In this case the obligation is not necessary to make the development acceptable in planning terms. Therefore, granting planning permission without the car free requirement would be appropriate.” (Extract from Appeal Decision APP/N5090/W/18/3204878).*

It must also be noted that the Inspector awarded Costs against the Council for the same appeal due to lack of supporting evidence to substantiate or evidence the reason for refusal to restrict parking permits for future occupiers.

**Pages: 93 – 104 (Agenda item 11)**

**Ref: 18/5511/FUL**

**Millers Yard, Long Lane, London, N3 2QG**

1 further letter of representation has been received in response to the publication of the committee report. This can be summarised as follows:

- The impact on no.18 Claverley Grove has been incorrectly made in that there are no existing buildings along the boundary.
- The proposal will harm the amenity of this property, be a loss of light, loss of air and a feeling of enclosure.

**Pages: 119 – 142 (Agenda item 13)**

**Ref: 18/4166/FUL**

**683 – 685 High Road (Islamic Association of North London), London, N12 0DA**

The monitoring of the legal agreement is amended to £500.

Condition 19 is amended as follows:

Prior to the occupation of the development, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority detailing the type, design, lux levels of proposed external lighting as well as measures to control glare.

The External Lighting Assessment submitted shall detail the existing and proposed average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to neighbouring residential properties and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to first occupation.

**Reason:** To ensure the development provides adequate amenities of neighbouring residential properties as well as the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan.

**Pages: 143 - 150 (Agenda item 14)**

**Ref: 18/7055/FUL**

**First Floor Flat 58 Long Lane London N3 2PX**

The Site History section of the report shall be amended on Page 3 in reference to application reference 17/7490/FUL, which was appealed and approved by the Planning Inspector on the 5<sup>th</sup> February 2019. The section shall be amended to read as follows:

**Reference: 15/01067/HSE**

**Address:** First Floor Flat 58 Long Lane London N3 2PX

**Decision:** Refused

**Decision Date:** 21 April 2015

**Description:** Extension to roof including 3no. front rooflights and rear dormer with juliet balcony to facilitate a loft conversion

**Reason for refusal:** The proposed rear dormer window would, by reason of its design, size and siting, represent an incongruous addition to the host property which is detrimental to the character and appearance of the application site and this part of Long Lane more widely. The application is therefore unacceptable and contrary to policy CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies document (2012), policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

**Reference: 15/03132/HSE**

**Address:** First Floor Flat 58 Long Lane London N3 2PX

**Decision:** Approved subject to conditions

**Description:** Rear dormer with juliette balcony and 3 no. rooflight to front to facilitate loft conversion

The development currently proposed is identical to that in application 15/03132/HSE, which has now expired.

**Pages: 151 - 164 (Agenda item 15)**

**Ref: 18/6975/FUL**

**First Floor Flat 32 Long Lane London N3 2PU**

Amended plans were submitted to ensure new windows and chimney removals were shown on the floor plans and elevations. The refuse storage area was also amended following objections received.

Following re-consultation one further letter was received confirming the previous objections:

- loss of chimneys harmful to appearance of the area
- removal of fireplaces affects the occupiers of the ground floor flats
- overlooking of rear garden of ground floor flat
- the new location for the bin store is now acceptable, however 4 extra bins are not needed

- cycle park is too big, no cover is shown and it is too obtrusive
- harmful to character of house – external changes and increased density
- sound insulation unlikely to be adequate
- concern about structural stability due to structural changes proposed
- increased noise and disturbance to existing residents
- loss of a family sized unit
- 'study' would in practice be used as a bedroom

Most of the objections have been addressed in the report. The removal of internal chimney breasts does not require planning permission. Any such internal alterations to existing flats would be the subject of agreement between the owners and occupiers and are not planning considerations.

Amended Condition:

Amend condition 1 to refer to Amended Planning Statement dated November 2018 (uploaded 28.01.19).

**Pages: 165 – 200 (Agenda item 16)**

**Ref: 18/6355/FUL**

**Land West of Beechwood Avenue, London, N3 3BA**

1 further response has been received following the publication of the committee report. The objection can be summarised as follows:

- Accepted the incorrect methodology of the parking assessment. There is very little point measuring the parking for the whole of Beechwood Avenue. The immediate surrounding parts should be considered.
- The design does not consider that the site abuts the busy A406. The large ground windows are designed for permeability. However, as the noise dust and traffic shoot past they will stay closed and curtained. My largest concern is this façade will attract graffiti.
- Site exceed recommended units per hectare.

Condition 31 is amended as follows:

"The approved Classes A1 and B1 shall only be used between the hours 07:00 – 22:00.

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

The following conditions are proposed in addition to those recommended within the committee report. These conditions have been proposed by the Council's Environmental Health service and relate to noise, air quality and pollution.

36.    a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

- b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.3 of the London Plan 2016

36. a) A scheme of offset measures based on the findings of the report by Air Quality Consultants shall be submitted to and approved by the Local Planning Authority prior to development.
- b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

37. Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the Mayor's London Plan SPG on Sustainable Design and Construction and Policy 7.14 of the Mayor's London Plan in relation to air quality.

38. a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2016.

39. The level of noise emitted from the 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 7.15 of the London Plan 2016.

40. Part 1

Before development commences other than for investigative work:

- a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
  - a risk assessment to be undertaken,
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

- d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

**Page: 201-226 (Agenda Item 17)**

**Ref: 18/6410/FUL**

**Fairfield Close, London N12 9ST**

**Page 201 – Recommendation**

Condition 1 shall be amended to read as follows:

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

1858.OS.01,

Existing Plans: 1858.EX.01B, 02B, 03, 04A, 05, 06A, 07A, 08A, 09B, 10B, 11, 12A, 13A, 14A, 15B, 16A, 17B, 18B, 19, 20, 21B, 22B, 23, 24B, 25B, 26B, 27, 28A, 29B, 30A, 31A, 32A, 33B, 34B, 35, 36A, 37A, 38, 39A, 40B, 41B, 42C, 43, 44A, 45A, 46A, 47B, 48B, 49B, 50A, 51B, 52A.

Proposed Plans: 1858.PP. 01B, 02B, 03A, 04, 05, 06C, 07D, 08C, 09C, 10B, 11B, 12A, 13, 14B, 15C, 16C, 17C, 18B, 19B, 20C, 21A, 22, 23B, 24C, 25C, 26B, 27C, 28B, 29B, 30A, 31, 32B, 33C, 34C, 35B, 36B, 37B, 38B, 39A, 40A, 41B, 42B, 43B, 44C, 45C, 46D, 47C, 48A, 49, 50B, 51D, 52D, 53C, 54B, 55C, 56C, 57C, 58C, 59B,

Design and Access Statement (received 12/02/2019), Traffic Assessment.

**Page 205**

The following additional informative shall be added:

Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

**Page 210 - Section 4. Public Consultation:**

This section shall be amended to read as follows: letters from **34** objectors have been received, as well as a petition with **48** Signatures opposing the development.

**Page 215 – Internal Consultation**

The following response has been received from the London Fire Brigade.

“The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

The Commissioner has been consulted with regard to the above-mentioned premises and makes the following observations: The Commissioner is satisfied with the proposals”

**Page 220 - Section 5.3 Assessment of proposals – Impact on the amenities of neighbours.**

Within paragraph 3 (page 221) reference to the distance separating Blocks 2-4 from the boundary should read as follows:

.... the amenity space that separates the blocks 2-4 from the boundary is less than 10.5 metres deep, varying between 8 metres to just under 5 metres.

**Pages: 227 – 252 (Agenda item 18)**

**Ref: 18/5941/FUL**

**Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE**

3 further representations have been received, comprising of 3 letters of objection.

The objections can be summarised as follows:

- Over ambitious on a small site;
- Increase in capacity;
- Impact on neighbouring amenity;
- Result in intrusive noise, congestion, parking problems and pollution;
- Letters of support come from outside the area;
- Increased parking / congestion;
- Increased attendees;
- Increase in floorspace;
- Impact on sunlight on the western elevations of No.99 Fallow Court Avenue;
- Overlooking by the top storey of the synagogue.

A letter has been received from Right of Light Consulting on behalf of a number of residents of Fallow Court Avenue and Granville Road. The letter raises a number of concerns raised by neighbours regarding the submitted Daylight/Sunlight report. The issues raised relate to the study not considering all the habitable rooms facing out directly onto the proposal, the 3D drawings produced inaccurately show the distances between the neighbouring sites and the habitable side windows of No.99 Fallow Court Avenue are within 90 degrees of due south and should be considered for the loss of sunlight hours. No evaluation of the submitted report has been undertaken and no comments can be provided on the accuracy of the findings.

In response, Officers consider that the submitted report has undertaken an appropriate assessment of the impact on neighbouring properties.

**Daylight and Sunlight Assessment**

The committee report advises that a revised Daylight / Sunlight report was submitted. However, to clarify, this was an addendum to the original report which sought to provide updated analysis following Officers clarification on the neighbouring rooms.

Comments have been raised that sunlight analysis should have been undertaken in respect of the western elevation windows of No.99 Fallow Court Road as they lie within 90 degrees of due south. Whilst the submitted Daylight and Sunlight report and committee state that the windows of No.99 fall outside of this scope and do not require to be assessed, the original report submitted did actually undertake a sunlight analysis of the ground floor windows of No.99. The assessment undertaken found that the results for annual and winter sun complied with BRE standards. As the ground floor windows meet the requirements, it is considered that the upper level windows would also meet the BRE requirement by virtue of being positioned higher up.

### Parking

Currently, the site has a vehicular access off Fallow Court Avenue and a secondary access from Granville Road. However, due to the timings of the kindergarten, the use of the car park is restricted for health and safety purposes. The proposed relocation of the kindergarten outdoor space will allow for the use of all of the proposed parking spaces throughout the day, as there will no longer be a conflict with the use by the children. Staff using the parking facilities will be able to park on the site instead of on the street.

**Pages: 253 – 278 (Agenda item 19)**

**Ref: 18/0579/RCU**

**213 – 215 Golders Green Road, London, NW11 9BY**

There is a correction to the last sentence within the summary section which currently states “*The conditions listed within the report below have been approved in writing by the applicant.*” This is incorrect. The draft conditions have been shared with the applicant who disagrees with 15 out of the proposed 19 conditions. The applicant’s comments are as follows:

Our client does *not agree* with 15 conditions out of the proposed 19 conditions.

Prior to the committee's decision Barnet's Planning Team raised 6 points of concern which we spent months gaining agreement for 5/6 points. The last point was overturned by committee and the application approved. We sadly feel that Barnet's planning team have proposed over the top conditions and are not listening to us and have not listened to us the applicants. The officer writes in his summary that we agree with the conditions that's not the case rather as follows:

- (A) Allow conditions 1,2,13 & 16 as they are**
- (B) Alter conditions 9,10,11,12,18 & 19 with proposed altered timeline of 12 months**
- (C) Remove proposed condition's 3,4,5,6,7,8,14,15 & 17 completely**

1. No Objection to this proposed condition
2. No Objection to this proposed condition
3. Condition 3 applies to the outbuilding which the community requires 12 months to fund raise for prior to commencing. When speaking to the case officer we advised him that the existing structure is a timber shed and a demolition plan was over the top. We did

not disagree to a constriction method plan for the outbuilding but this will not be available until the community are in a position to build it. This condition should be rewritten to reflect the application site and not a copied and pasted from another decision notice.

4. Our client objects to this condition in its entirety, during the planning application information was presented and the council were satisfied with the information. An AMP is an expensive report to produce and we feel an AMP is unjustifiable. We ask the committee to remove condition 4 as yet again this report has no benefit or justification.
5. Our client objects to this condition in its entirety, during the planning application there were no requests raised for any noise assessments, the building exists and there have never been any concerns raised with noise by environmental or neighbour's. We ask the committee to remove condition 5.
6. Our client objects to this condition in its entirety, during the planning application there were no requests raised for any noise mitigation or restrictions, the building exists and there have never been any concerns raised with noise by Barnet environmental or neighbours. We ask the committee to remove condition 6 it its entirety.
7. Our client objects to this condition in its entirety. This condition is clearly copied and pasted to cause extra unnecessary work to our client. (a)The Ventilation and extraction equipment is already installed and (b) does not make sense the building is already occupied.
8. Our client objects to this condition in its entirety. There is no planting / landscaping onsite or within the approved application. Simply another exercise of copy and paste by a case officer trying to make up conditions. (A) (B) and (C) have no place in this condition and this condition should be removed in its entirety.
9. Our client objects to this condition, but only on the basis of the proposed time line. Our client is happy to submit details of boundary enclosure but only within 12 months. This was explained and ignored by the case officer.
10. Our client objects to this condition, but only on the basis of the proposed time line. The Bin store will take 12 months to be fabricated and installed.
11. Our client objects to this condition, but only on the basis of the proposed time line. The parking area will take 12 months to be completed.
12. Our client objects to this condition, but only on the basis of the proposed time line. The cycling area will take 12 months to be completed.
13. No Objection to this proposed condition
14. Our client objects to this condition in its entirety, during the planning application there were no requests raised for any noise information or restrictions to existing installed equipment, the building exists and there have never been any concerns raised with noise by Barnet environmental or neighbour's. We ask the committee to remove condition 14 it its entirety.
15. Our client objects to this condition in its entirety, how can the case officer propose a condition to request a physical change to an application already approved. Application

18/0579/RCU was submitted in July and there was over 6 months of negotiation when such a change could have been proposed. This condition should be removed.

16. No Objection to this proposed condition

17. Our client objects to this condition in its entirety. We ask the committee to remove condition 17 in its entirety as this matter is an issue for Building Control and over the top to be included as a planning condition on a retrospective application.

18. Our client objects to this condition, but only on the basis of the proposed time line. The outbuilding will take 12 months to be demolished.

19. Our client objects to this condition, but only on the basis of the proposed time line. We advised the case officer that the flats are occupied and there are 10 months left on the upper floor tenants tenancy agreement. It would be impossible to evict them and complete the works within 3 months. We estimate 18 months until the alterations to the upper levels are complete. The work must be structurally designed, tendered, contractor appointed which will take place whilst the tenants are moving out. The case officer has once again ignored us.

**Pages: 279 – 300 (Agenda item 20)**

**Ref: 18/0216/S73**

**Menorah Primary School, 1 - 3 The Drive, London, NW11 9SP**

On the 04 February 2019 an objector emailed the Planning Officers stating:

“Further to my email below I am disturbed that points raised seemed to be ignored in the report submitted for consideration on 12.02.19 at committee.

Most importantly is the discrepancy with the Shabbat times document submitted by the applicant which is clearly not the defined sunset on Friday times in the Summer months. This is simply unacceptable and is not in keeping with what was applied for. I would request that the correct times are put in a document so as to avoid confusion with what is and what inevitably will not be complied with.

Secondly there should be a very clear guideline stating no use of the playground area other than to gain access.

Both of these points are ostensibly what was sought in the application and I feel that they are of paramount importance in ensuring some form of protection to our amenities.”

Planning Officers are recommending the additional informative:

*The Shabbat times set out in Noise Management Plan will be in accordance with those of the United Synagogue (<https://www.theus.org.uk/shabbattimes>)*

The agent responded in an email dated 07 February 2018, stating:

"Dear Mr Mari

Please ignore my email sent Wednesday 4.50pm. It was not correct. Indeed, we now realise that the objector's suggestion to use the United Synagogue calendar times is a cynical ploy, attempting to frustrate Friday activity in the summer months. For reasons explained below, our application is not based upon the published United Synagogue times for commencement of Sabbath.

The United Synagogue's published times for the commencement of Sabbath are the latest times that Sabbath can commence. In the summer months when sunset is as late at 9.00pm, Sabbath is commenced earlier, at any time after "Plag Haminchah", which is never later than 7.35pm. Thus, the synagogues start their services at around 7.00 – 7.30pm, and do not wait until 9.00pm. So although the United Synagogue writes that Sabbath commences on 21 June at no later than 9.07pm, all their synagogues commence their services earlier at 7.00pm.

It does not seem necessary to explain the technical background of "Plag Haminchah," even though it is calculated in a specific way. What is pertinent is that the religious code enables Sabbath to start after it, but not before it. Thus the specific timetables I had sent to you showed are not the latest times, but the 'Plag Haminchah' times.

Our planning application is based upon this specific schedule of times, which I had submitted to you as a formal part of the planning application. This schedule is headed "Sabbath Times for London" and it was uploaded on your website on 30 November with the heading "Amended Sabbath Time Schedule". (It had been amended and simplified at your request). This schedule of times is part of our submission and should be referred to in the decision notice, and I now attach a further copy for your convenience.

For the above reasons, we do not use the 'United Synagogue' times. From what you write, it appears that the effect of the neighbour request is an attempt to stop Friday evening activity. I would respectfully point out that these neighbouring objectors also commence the Sabbath at the earlier 'Plag Haminchah' times!"

**Officer comment:**

The suggestion to use the 'United Synagogue' times was made by officers prior to receipt of the additional representation letter. Officers believe that the Shabbat times as stated by the United Synagogue are, in the interest of clarity for all parties, the most appropriate time to refer to in any consent. The times are easily accessed on the US website for all parties to refer to for enforceability.

The agent disagrees, and has provided a schedule of times. Members may wish to decide which would be more appropriate to use for this temporary permission. The agent's table of times is below. Note: all times are in G.M.T. In summer months add one hours B.S.T.

# SABBATH TIMES FOR LONDON

	Friday	Saturday
	starts	ends
	הילךין	כג'אי
	נרות	שברת
	Light	End
	Candles	Shabat
Jan 1	15:12	16:59
4	15:15	17:03
7	15:18	17:06
10	15:22	17:10
13	15:25	17:14
16	15:29	17:18
19	15:33	17:22
22	15:37	17:26
25	15:42	17:31
28	15:46	17:36
31	15:50	17:40
Feb 3	15:55	17:45
6	15:59	17:50
9	16:03	17:55
12	16:08	18:00
15	16:12	18:05
18	16:16	18:11
21	16:21	18:16
24	16:25	18:21
27	16:29	18:26
Mar 2	16:33	18:31
5	16:37	18:36
8	16:41	18:41
11	16:45	18:46
14	16:49	18:52
17	16:53	18:57
20	16:57	19:02
23	17:01	19:07
26	17:04	19:13
29	17:08	19:18
Apr 1	17:12	19:23
4	17:16	19:29
7	17:20	19:34
10	17:23	19:40
13	17:27	19:46
16	17:31	19:51
19	17:35	19:57
22	17:39	20:03
25	17:42	20:09
28	17:46	20:15
May 1	17:50	20:21
4	17:54	20:27
7	17:58	20:33
10	18:01	20:39
13	18:05	20:45
16	18:09	20:50
19	18:12	20:56
22	18:16	21:02
25	18:19	21:07
28	18:22	21:12
31	18:25	21:17
Jun 3	18:27	21:21
6	18:30	21:25
9	18:32	21:28
12	18:34	21:31
15	18:35	21:34
18	18:37	21:35
21	18:37	21:36
24	18:38	21:37
27	18:38	21:36
30	18:38	21:35

	Friday	Saturday
	starts	ends
	במוצאי שבת	במוצאי שבת
	Light Cndles	End- Shabal
Jul 3	18:37	21:34
6	18:36	21:31
9.	18:35	21:28
12	18:33	21:25
15	18:31	21:21
18	18:28	21:17
21	18:26	21:12
24	18:23	21:07
27	18:19	21:01
30	18:16	20:55
Aug 2	18:12	20:49
5	18:08	20:43
8	18:03	20:37
11	17:59	20:30
14	17:54	20:23
17	17:49	20:16
20	17:44	20:09
23	17:39	20:02
26	17:34	19:55
29	17:29	19:48
Sep 1	17:23	19:41
4	17:18	19:23
7	17:12	19:26
10	17:07	19:19
13	17:01	19:11
16	16:55	19:04
19	16:49	18:57
22	16:44	18:50
25	16:38	18:43
28	16:32	18:36
Oct 1	16:27	18:29
4	16:21	18:22
7	16:16	18:15
10	16:10	18:09
13	16:05	18:02
16	16:00	17:56
19	15:54	17:50
22	15:49	17:44
25	15:45	17:39
28	15:40	17:33
31	15:35	17:28
Nov 3	15:31	17:23
6	15:27	17:18
9	15:23	17:14
12	15:20	17:10
15	15:16	17:06
18	15:13	17:03
21	15:11	16:59
24	15:08	16:57
27	15:06	16:55
30	15:05	16:53
Dec 3	15:03	16:51
6	15:02	16:50
9	15:02	16:50
12	15:02	16:50
15	15:02	16:50
18	15:03	16:51
21	15:04	16:52
24	15:06	16:53
27	15:08	16:55
30	15:10	16:58

