

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

WEDNESDAY 6TH MARCH, 2013

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF WEST AREA PLANNING SUB-COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun (Chairman),
Vice Chairman: Councillor Eva Greenspan (Vice-Chairman)

Councillors

Jack Cohen	Sury Khatri	Agnes Slocombe
Melvin Cohen	John Marshall	Gill Sargeant
Claire Farrier	Hugh Rayner	Darrel Yawitch

Substitute Members

Tom Davey	Helena Hart	Ansuya Sodha
Graham Old	Charlie O'Macauley	Reuben Thompstone
Andrew Harper	Lord Palmer	Zakia Zubairi
John Hart	Mark Shooter	

You are requested to attend the above meeting for which an agenda is attached.

Aysen Giritli – Head of Governance

Governance Services contact: Paul Frost 0208 359 2205 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

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FACILITIES FOR PEOPLE WITH DISABILITIES

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AGENDA ITEM 7

LOCATION: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8
REFERENCE: H/00131/13
WARD(S): Burnt Oak

Received: 10 January 2013
Accepted: 11 January 2013
Expiry: 08 March 2013

Final Revisions:

APPLICANT: Arch Property Investments Ltd
PROPOSAL: Proposed new storey above existing residential units to include 5 no.1 bedroom flats at 1-10 Silkstream Parade and 4 no. 2 bedroom units at 11-19 Silkstream Parade.

RECOMMENDATION: Approve Subject to S106

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2100, 0500, Planning Application Supporting Statement and Design and Access Statement, 081230/02, 081230/03, 081230/05 Rev. A, 081230/07 Rev. A, 081230/09 Revision A, 081230/10 Revision A, 081230/13 Revision A, 081230/06, 081230/08, 081230/04.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 3 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in Drawing No. 215-10/0500 submitted with the planning application and shall be retained and the access to the parking spaces will be maintained at all times.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 Before the development hereby permitted commences details of privacy screens to the proposed balconies shall be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking and to comply with policy DM02 of the Barnet Development Management Policies 2012.

- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.

- 8 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken. Before the building hereby permitted is occupied the proposed window(s) in the south-west and north-east flank elevations of the buildings approved shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless

otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy of neighbouring occupiers, in accordance with policy DM02 of the Adopted Barnet Development Management Policies 2012.

- 11 Neither the proposed extension to the block at no.1-10 Silkstream Parade nor the extension to No.11-19 Silkstream Parade shall be occupied until work on the other remaining block has commenced.

Reason to ensure that the development is completed in its entirety which is necessary in order to safeguard the appearance of the conservation area, in accordance with policy DM01 and DM06 of the Adopted Barnet Development Management Policies 2012.

- 12 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 13 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy DPD (2012): Policies CS NPPF, CS3, CS4, CS5, CS10, CS11, CS15

Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM17

Watling Estate Conservation Area Character Appraisal Statement.

Supplementary Planning Documents;

- Sustainable Design and Construction
- Planning Obligations
- Education Contributions
- Contributions to Library Services
- Contributions to Health Services

ii) The proposal is acceptable for the following reason(s): - The proposal would enhance the character and appearance of the Conservation Area, would not harm

the visual and residential amenities of occupiers of surrounding properties, or harm highway and pedestrian safety.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

- 2 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 £14,245.

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.

- 3 The Watling Ditch main river runs beneath the site in culvert. The applicant will need to apply for flood defence consent prior to any work taking place. Under the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws, our prior written consent is required for any proposed works or structures, in, under, over or within 8 metres of the top of bank of the Watling Ditch. If the building were to be demolished then the Environment Agency would expect the Watling Ditch to

be deculverted.

- 4 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

RECOMMENDATION III

That if an agreement has not been completed by 06/06/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/00131/13 under delegated powers for the following reason/s:

The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking has been given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, be contrary to Policies CS10, CS11 & CS15 of the Local Plan Core Strategy (Adopted 2012); and the adopted Supplementary Planning Documents, "Contributions to Health Facilities", "Contributions to Libraries", "Contributions to Education" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS3, CS4, CS5, CS10, CS11, CS15

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM17

Supplementary Planning Documents and Guidance

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document: Contributions to Education

Supplementary Planning Document: Contributions to Libraries

Supplementary Planning Document: Contributions to Health

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance

SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

Site Address: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8 0EL
Application Number: H/03010/09
Application Type: Full Application
Decision: Refuse
Decision Date: 07/12/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.**
Case Officer: Graham Robinson

Site Address: 11-19 Silkstream Parade Watling Avenue Edgware Middlesex HA8 0EL
Application Number: W05445H/06
Application Type: Full Application
Decision: Refuse
Decision Date: 08/06/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Provision of an additional storey to provide 4 x 2-bed flats with balconies plus associated car-parking.**
Case Officer: Deirdre Jackman

Site Address: 1-10 & 11-19 Silkstream Parade Watling Avenue London HA8 0EJ
Application Number: W05445G/02
Application Type: Full Application
Decision: Deemed Refusal
Decision Date: 07/10/2003
Appeal Decision: Dismissed
Appeal Decision Date: 07/10/2003
Proposal: **Provision of an additional storey above Nos 1-10 to provide 5x2 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.**
Case Officer: Lesley Feldman

Site Address: 1-10 & 11-19 SILKSTREAM PARADE Watling Avenue Edgware Middlesex HA8 0EL
Application Number: W05445F/02
Application Type: Full Application
Decision: Refuse
Decision Date: 11/09/2002
Appeal Decision: Withdrawn
Appeal Decision Date: 11/09/2002
Proposal: **Provision of additional 2 storeys (1 within the roofspace) to provide 5 x two bedroomed maisonettes above Nos.1-10 Silkstream Parade and 4 x two bedroomed maisonettes above Nos.11-19 Silkstream Parade.**
Case Officer: Lesley Feldman

Site Address: 11-19 Silkstream Parade Watling Avenue Burnt Oak London HA8 0EL
Application Number: W05445L/07
Application Type: Full Application
Decision: Withdrawn
Decision Date: 29/02/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Provision of an additional storey to provide 4 x 2 bedroom flats with balconies, plus associated car parking.
Case Officer: Louise Doran

Site Address: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8 0EL

Application Number: H/03722/10
Application Type: Full Application
Decision: Finally disposed of
Decision Date: 24/05/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.
Case Officer: Graham Robinson

Site Address: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8 0EL

Application Number: H/01013/11
Application Type: Full Application
Decision: Refuse
Decision Date: 11/4/2011
Appeal Decision: Dismissed
Appeal Decision Date: 11/4/2011

Proposal: Provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.
Case Officer: Graham Robinson

Site Address: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8 0EL

Application Number: H/00398/12
Application Type: Full Application
Decision: Refuse
Decision Date: 26/11/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Proposed new storey above existing residential units to include 5 no.1 bedroom flats at 1-10 Silkstream Parade and 4 no. 2 bedroom units at 11-19 Silkstream Parade.
Case Officer: Graham Robinson

Site Address: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8

Application Number: H/00131/13
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Proposed new storey above existing residential units to include 5 no.1 bedroom flats at 1-10 Silkstream Parade and 4 no. 2 bedroom units at 11-19 Silkstream Parade.
Case Officer: Graham Robinson

Site Address: 11-19 SILKSTREAM PARADE, WATLING AVENUE, EDGWARE, MIDDX, HA8 0EL

Application Number: W05445N/08
Application Type: Full Application
Decision: Refuse
Decision Date: 12/12/2008

Appeal Decision: Dismissed
Appeal Decision Date: 12/12/2008
Proposal: **Provision of an additional storey to provide four x2-bedroom flats with balconies. Demolition of building to rear and provision of associated car parking.**
Case Officer: Louise Doran

Site Address: 1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, Middx, HA8 0EL
Application Number: H/00776/09
Application Type: Full Application
Decision: Refuse
Decision Date: 01/05/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 96 Replies: 4
 Neighbours Wishing To Speak 0

The application has been referred to the West Area Sub-Committee at the request of Councillor Farrier, due to the change to parking, and access to the parking if the 'Pit Stop' building remains.

The objections raised may be summarised as follows:

- There is no parking for the flats
- The Council does not provide enough bins for the existing flats
- Impact on traffic and parking
- The International Gospel Church has an existing 'pit stop' timber building to the rear that is being re-built after a fire (Ref: H/04883/11). The International Gospel Church have not received any communication regarding the demolition of the pit stop building which is a legal requirement. This would also be disruptive to the activities of the church.
- The area around the church and surrounding streets is congested and the proposals will exacerbate this.
- The proposals will harm the appearance of the church and the surrounding conservation area, having a overbearing and dominating appearance within the area.

Internal /Other Consultations:

- Environment Agency - No objection though the Local Planning Authority should apply the Sequential Test
- Traffic & Development - No objection

Date of Site Notice: 24 January 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to two 2 storey buildings with retail units at ground floor and flats above. To the rear the block has a lower ground floor creating a third storey although this is not apparent from Watling Avenue. The site is locally listed and is within the Watling Estate Conservation Area.

Proposal:

The application seeks permission for the provision of an additional storey above Nos 1-10 to provide 5x1 bed flats plus additional storey above Nos 11-19 to provide 4x2 bed flats.

Planning Considerations:

Planning History

The application follows the resolution of the committee members to approve planning application reference H/00398/12. This was similar to the current proposals except that the 'Pit Stop' building would be demolished in order to provide access to the area behind 11-19 Silkstream Parade. It since emerged that the owner's of the Pit Stop building would not sign the necessary section 106 agreement and consequently it was not possible for this to be completed or for permission to be issued.

The current application proposes to retain the Pit Stop building, and the access and parking arrangements to the rear of 11-19 Silkstream Parade differ as a result.

The main planning considerations are considered to be:

- *Impact on the character and appearance of the conservation area*
- *Impact on the amenities of neighbouring and future occupiers*
- *Impact on highway and pedestrian safety*
- *Impact on flood risk*
- *Sustainability Issues*
- *Section 106 Items*

Impact on the character and appearance of the conservation area

The issue of the impact of the development was looked at in depth under the previous planning application. The inspector concluded in the decision notice for application ref H/01013/11 that '*... the proposal would make a positive contribution to the street scene and would enhance the character and appearance of the Conservation Area.*'

It is not considered that there have been any changes in policy or circumstance that would warrant taking a contrary view regarding the issue of the impact on the character and appearance of the conservation area.

Impact on the amenities of neighbouring and future occupiers

The proposals in terms of their external bulk and massing are the same as those previously considered acceptable in this regard under applications H/01013/11 and H/00398/12.

It is not considered that there have been any changes in policy or circumstance that would warrant taking a contrary view regarding the issue of the impact on neighbouring amenity.

It is noted that 4 of the 5 one bedroom flats are marginally below the London Plan standard of 37 square metres for 1 person 1 bedroom units. (32 square metres) However, given the site history, that this was considered acceptable previously; it is not considered that this is reasonable grounds to refuse the application.

Impact on highway and pedestrian safety

The proposal is for the erection of a new storey above two blocks to provide a total of 9 new flats comprising 5x1 bed units and 4x2 bed units.

The current scheme is similar to two previous applications (H/03722/10 & H/03010/09 and H/00398/12). The parking plans show that a total of 12 parking spaces are being provided for the 9 new flats. This is in accordance with the parking standards as set out in the DMP of the Barnet Local Plan approved September 2012.

The proposal is acceptable on highways grounds.

Impact on flood risk

As the site is located within flood zone 2, the Sequential Test is applicable to the proposed development. However, the Environment Agency have confirmed that they have no objection to the scheme.

It should be noted that the development would not result in any additional accommodation at ground floor level.

A flood risk assessment has been provided.

It is not considered that the proposals would materially increase flood risk for residents of the locality.

Sustainability Issues

The National Planning Policy Framework has been introduced since the previous appeal. It carries a presumption in favour of sustainable development. It defines sustainable development as development...'*living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.*'

The development includes safeguards to minimise flood risk. It would present an opportunity to improve the appearance of these two buildings within the conservation

area, through redevelopment. It would provide additional housing units. It is considered that it would provide sustainable economic benefits in this way whilst not harming the local environment. It would also not have any undue social impacts.

Section 106 Items

The application would require a contribution of £14,341 towards additional education costs, £1,251 towards additional library costs, and £8,746 towards health contributions, arising as a result of the development, and £1,216.90 towards associated monitoring costs.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally Addressed in main report.

There is no parking for the existing flats - *This is noted.*

The Council does not provide enough bins for the existing flats - *Appropriate refuse storage will be provided for the flats proposed.*

The International Gospel Church has an existing 'pit stop' timber building to the rear that is being re-built after a fire (Ref: H/04883/11). The International Gospel Church have not received any communication regarding the demolition of the pit stop building which is a legal requirement. This would also be disruptive to the activities of the church. - *The permission is noted however the current proposals allow for the retention of the building. Any impact is therefore considered limited.*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

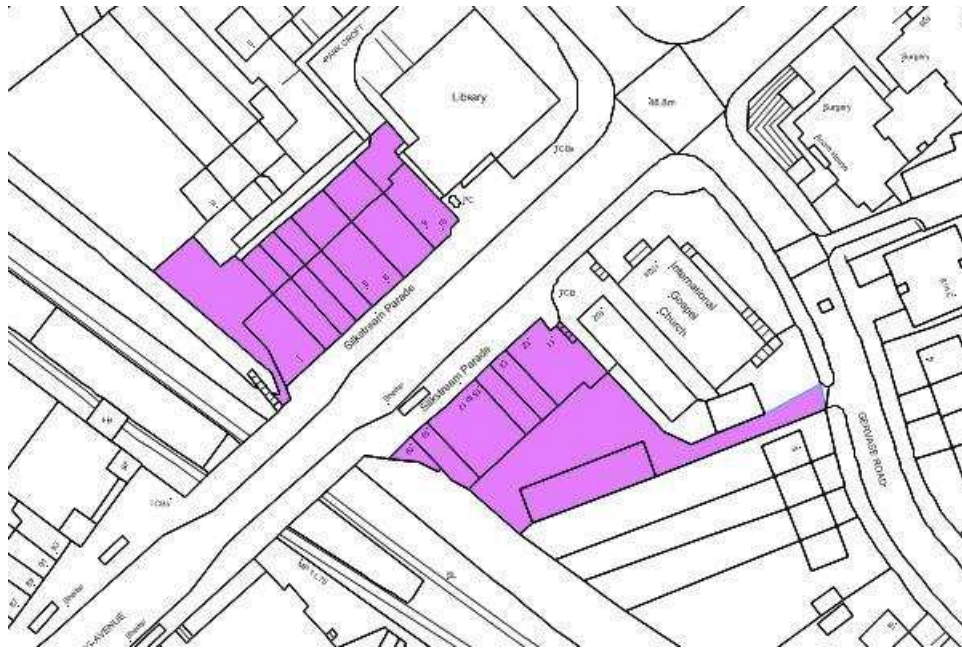
Taking all relevant matters into account, the application is recommended for **APPROVAL.**

SITE LOCATION PLAN:
Edgware, Middx, HA8

1-10 & 11-19 Silkstream Parade, Watling Avenue,

REFERENCE:

H/00131/13



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Appeal Decision

Site visit made on 10 October 2011

by Anthony Lyman BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2011

Appeal Ref: APP/N5090/A/11/2155877

1-10 & 11-19 Silkstream Parade, Watling Avenue, Edgware, HA8 0EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Starprop LLP against the decision of the Council of the London Borough of Barnet.
 - The application Ref H/01013/11, dated 19 January 2011, was refused by notice dated 4 May 2011.
 - The development proposed is a new storey above existing residential units to include 5 No. 1 bedroom units at No. 1-10 Silkstream Parade and 4 No. 2 bedroom units at No. 11-19 Silkstream Parade.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are, i) whether the proposed development would preserve or enhance the character or appearance of the Watling Estate Conservation Area, ii) whether the proposal would make reasonable provision to mitigate its impact on local infrastructure and services in accordance with adopted policies.

Reasons

Character and appearance

3. Silkstream Parade comprises two terraces of retail units facing each other on opposite sides of Watling Avenue. The upper floor of each building is recessed behind the retail frontage and contains residential flats. The proposal is to erect an additional storey on each building to house a total of nine new flats.
4. The Watling Estate Conservation Area Character Appraisal Statement identifies the buildings as being amongst the most noteworthy in the area, being Art Deco-inspired in design. Although the buildings generally have a neglected appearance with substantially altered retail frontages, the upper levels and the staircase towers retain many attractive original design features. With their well balanced proportions the buildings make a significant contribution to the character and appearance of the Conservation Area.
5. The proposed upper floor to each block would be further recessed to reflect the existing design and would incorporate many of the design features and materials which characterise the original buildings. The proposals are similar in design to previous schemes relating to one or both blocks which have been dismissed on appeal for specific reasons. However, both previous Inspectors

considered that the design of the proposed development would be acceptable in relation to the building and the Conservation Area, and I have no reason to disagree with these views. The recessed upper floor and the modest stair towers would not significantly detract from the setting of other noteworthy buildings such as the nearby church and Burnt Oak library. The intention would be to restore other parts of the buildings to a similar standard and I conclude that the proposal would make a positive contribution to the street scene and would enhance the character and appearance of the Conservation Area. The development would satisfy the objectives of Policies GBEnv1, GBEnv2, D2, HC1, HC15 and HC16 of the London Borough of Barnet Unitary Development Plan.

Local infrastructure and services

6. The Council has adopted a number of up to date Supplementary Planning Documents (SPDs) relating to planning obligations to secure contributions for infrastructure and local services on which there would be increased demand as a result of a development. The SPDs set out how the additional demand for the particular service would be calculated, the level of existing facilities and their capacity, the calculation of the contribution necessary and the use that would be made of the funds. In this case, contributions are sought towards educational needs, library services and health facilities and I am satisfied that they meet the statutory tests set out in the Community Infrastructure Levy Regulations. However, the Council also require a small contribution towards associated monitoring costs. Such costs have no obvious support in Circular 5/2005 – *Planning Obligations*.
7. The appellant has expressed a willingness to discuss contributions with the Council. However, there is no completed obligation before me. Therefore, I have no mechanism to secure the contributions necessary to mitigate the impact of the development on these services in accordance with the SPDs.

Other matter

8. Concern has been expressed about the possible adverse impact of proposed flats above 1-10 Silkstream Parade on the nearby residential properties in Park Croft. This was one of the reasons for the dismissal of a previous appeal. However, in the scheme before me, these flats have been recessed from the rear elevation of the building by about 1.9m and I am satisfied that this set back would be sufficient to reduce significantly any harm to the living conditions of the neighbours with regard to overshadowing and loss of light.

Conclusion

9. The nine new flats would make more efficient use of the existing site in a highly sustainable location adjacent to excellent transport links. Furthermore, the redevelopment and renovation of the buildings would make a positive contribution to the street scene and enhance the character and appearance of the Conservation Area. However, the proposal would increase demand on local services, for which no mitigation has been secured. Therefore, for this reason alone, the appeal must fail.

Anthony Lyman

INSPECTOR

LOCATION: 42 Woodstock Road, London, NW11 8ER

AGENDA ITEM 8

REFERENCE: F/00173/13

Received: 15 January 2013

Accepted: 21 January 2013

WARD(S): Childs Hill

Expiry: 18 March 2013

Final Revisions:

APPLICANT: Mr Zi-Pear

PROPOSAL: Part single, part two-storey rear extension. Conversion of garage into habitable room to be used as an arts studio and ancillary storage/plant room below. Extension to existing basement. Widening of side dormer facing 40 Woodstock Road. Enclosure of existing front porch. Associated alterations to elevations/fenestration.

RECOMMENDATION: Approve Subject to Conditions

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

07_001_212

07_001_206.B (Amended)

07_001_207.B (Amended)

07_001_208.B (Amended)

07_001_209.A (Amended)

07_001_210.B (Amended)

07_001_211.A (Amended)

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 3 The materials to be used in the external surfaces of the extensions shall match those used in the existing building.

Reason:

To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 The use of the extensions hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 5 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
Reason:
To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).
- 6 The proposed side windows in the side dormer facing 40 Woodstock Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).
- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at first floor level or above in any of the approved extensions.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).
- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).
- 9 Before the installation of any extraction and ventilation equipment, details shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the equipment is used.
Reason:
To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.
- 10 The level of noise emitted from any plant installed on site 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

Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 11 No development shall take place until a 'Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Design Guidance Note No.5 on Household Extensions.

draft Residential Design Guidance (Nov 2012)

Core Strategy (Adopted) 2012:

Relevant policies: Policy CS NPPF, Policy CS 1, Policy CS 5

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01, DM02 and DM17.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant/ agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM06, DM17.

Supplementary Planning Documents and Guidance

Design Guidance Note No 5 – Extensions to Houses

The Council guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) in March 2010. This supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History: None relevant

Consultations and Views Expressed:

Neighbours Consulted: 42 Replies: 2

Neighbours Wishing To Speak 1

Several rounds of public consultation have taken place. The following summary encompasses all representations received:

- the development is out of character for the locality
- visually obtrusive
- unacceptable loss of sunlight
- setting of a precedent
- structural risk from basement extension
- disturbance from construction inc. noise and light nuisance and loss of parking
- impact on this Conservation Area site

The application is brought to committee at the request of Councillor Jack Cohen

(Childs Hill).

2. PLANNING APPRAISAL

Site Description and Surroundings:

Woodstock Road is characterised by semi-detached dwellings. The application site consists of a two-storey semi-detached property located to the north-east of Woodstock Road. Directly adjacent to the north-eastern boundary of the application site is the Golders Green Town Centre Conservation Area. The site itself is located outside of the conservation area.

There have been numerous alterations at 42 Woodstock Road in the past including the erection of a two-storey rear extension and a single-storey side extension and side dormer.

Dimensions:

The proposal involves the creation of a porch entrance, conversion of an existing garage to a storage room/plant (basement level) and art studio (ground floor level) and a basement extension to the main dwelling.

The basement extension to the main dwelling extends by approximately 4.2m from the rear of the existing basement.

The porch entrance is set back from the front of the main dwelling.

The application also includes the creation of a ground floor rear extension. The rear kitchen extension extends by 3m from the rear wall of the original dwelling. The living room extension has been amended and reduced in depth by 1m and has a depth of 2m. The rear wall of the living room extension is approximately 3.8m from the rear wall of the original house when added to the existing rear extension.

The first floor rear extension to the main bedroom has been reduced in depth by 1m to 2m. The roof of the two-storey rear extension has been amended to ensure that it has the same pitch as the roof on the main building.

The existing side dormer will be increased in width by 2.9m. An existing roof dormer will be demolished as part of the scheme.

Finally, the proposal also includes minor fenestration alterations and the creation of a patio and steps which is associated with the basement extension.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Council's draft SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The Council's Design Guidance Note 5 on Extensions to Houses advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form. The depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties 3.5 metres, and detached property is 4 metres.

The proposal is considered acceptable in terms of design because the applicant has provided the requested amendments and it should be noted that the majority of the alterations to the existing building would not have an impact on the streetscene. The roof pitch of the two-storey rear extension has been changed to match the roof pitch on the main dwelling. Furthermore, the applicant has reduced the depth of the two-storey rear extension to ensure that it is subservient to the appearance of the main dwelling. The basement extensions to the main dwelling and garage would not be visible from the streetscene and the alterations to the existing garage are sympathetic to the character of the area. It should be noted that the excavation of a basement below the original footprint of a house is permitted development.

The side dormer extension would be visible from the streetscene but is considered acceptable because it is set back from the front of the main dwelling and includes the provision of windows that are sympathetic to the appearance of the main dwelling. The front porch alteration would also be acceptable given that it too is set back from the front wall of the main dwelling. The scheme would not harm the Conservation Area which directly abutts the rear of the garden.

In terms of residential amenity the only new openings created at first floor level or above facing neighbouring properties would be the windows serving the side dormer extension. However, the drawings submitted with the application illustrate that the side dormer windows would be obscurely glazed and a planning condition would reinforce that the side dormer windows are obscure. A further planning condition

would also restrict the installation of any opening above first floor level. Additionally, the largest part of the proposal, the two-storey rear extension, would not be located in close proximity to either boundary with neighbouring properties and would be situated 4m away from the nearest neighbouring boundary. The only parts of the rear extension which project by more than 3m in depth are not located in close proximity to any neighbouring boundaries and so there are considered to be no harmful impacts with regard to overlooking, overdominance and loss of sunlight.

A planning condition will control hours of construction to ensure that there is no detrimental impact from the development to neighbours with regard to noise disturbance.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

objection letters referred to:

- the development is out of character for the locality
- visually obtrusive
- unacceptable loss of sunlight
- setting of a precedent
- structural risk from basement extension
- disturbance from construction inc. noise and light nuisance and loss of parking
- impact on this Conservation Area site

Comments in response:

- the proposed uses for the extensions and alterations would be ancillary to the use of the main dwelling and are in keeping with the residential character of the locality
- the proposal has been reduced in size and the pitch of the two storey rear extension has been amended to ensure that the proposal is not visually intrusive. Furthermore, the majority of the proposal would not be visible from the streetscene.
- there would be no two-storey extensions in close proximity to the boundary and so loss of sunlight would not be an obstacle to development.
- the proposal is considered to be acceptable and so would not set an unwanted precedent for the area. It should also be noted that all applications are assessed on their own merits.
- structural issues with regard to the basement will be assessed by the council's building control team.
- a planning condition will control hours of construction and so will ensure that there is no overriding disturbance caused from activities associated with the construction of the proposal.
- the site is not within a Conservation Area but is adjacent to one. The amended proposal is acceptable in design terms and would not detract from the adjacent Conservation Area.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 42 Woodstock Road, London, NW11 8ER

REFERENCE: F/00173/13



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LOCATION: Gresham House, 144 High Street, Edgware, Middx, HA8 7EZ

REFERENCE: H/04050/12 **Received:** 02 November 2012
Accepted: 09 November 2012

WARD(S): Edgware **Expiry:** 04 January 2013

Final Revisions:

APPLICANT: Mr H S Kohli

PROPOSAL: Demolition of existing building and erection of a two storey building with rooms in roof space to create 9 self-contained units.

RECOMMENDATION: Approve Subject to S106

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 **Education Facilities (excl. libraries) £18,177.00**

A contribution towards the provision of Education Facilities in the borough.

- 4 **Health £9,510.00**

A contribution towards Health Facilities and Resources in the borough

- 5 **Libraries (financial) £1,251.00**

A contribution towards Library Facilities and Resources in the borough

- 6 **Monitoring of the Agreement £2,446.90**

Contribution towards the Council's costs in monitoring the obligations of the agreement.

- 7 **Open Spaces (specific site or purpose) £20,000.00**

A contribution towards the provision of open space improvements to Stonegrove Park.

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 12/4620/01, 12/4620/02 Rev. E, 12/4620/03 Rev. E, 12/4620/04, 12/4620/05 Rev. A, Design and Access Statement.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 3 Before the development hereby permitted is occupied the parking spaces shown on Plan 12/4620/02 Rev. E shall be provided and shall not be used for any

purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Grove Road from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00

am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 9 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 10 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 11 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 12 The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 (any of the units are occupied / the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 13 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for

Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 14 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/04050/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 12/4620/01, 12/4620/02 Rev. E, 12/4620/03 Rev. E, 12/4620/04, 12/4620/05 Rev. A, Design and Access Statement.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 3 Before the development hereby permitted is occupied the parking spaces shown on Plan 12/4620/02 Rev. E shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Grove Road from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular

access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 9 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 10 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 11 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 12 The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 (any of the units are occupied / the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 13 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning

- Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).
- 14 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:CS01, CS05, CS10, CS11, CS15

Development Management Policies (Adopted) 2012: DM01, DM02

Supplementary Planning Document - Planning Obligations

Supplementary Planning Document - Contributions to Education

Supplementary Planning Document - Contributions to Libraries

Supplementary Planning Document- Contributions to Health Facilities:

ii) The proposal is acceptable for the following reason(s): -

The proposed development would have an acceptable impact on the appearance of the property and the street scene. There would be no undue impacts on the amenities of the neighbouring occupiers nor the future occupiers of the proposed units. It complies with all relevant council policy and guidance.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

- 2 If the development is carried out it will be necessary for the existing crossover to be widened by the Highway Authority, at the applicant's expense. You may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).
- 3 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 £22,925.

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.

- 4 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 5 Please include detail of the informative here.

RECOMMENDATION III

That if an agreement has not been completed by 30/04/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04050/12 under delegated powers for the

following reason/s:

The development does not include a formal undertaking to meet the extra health, education, libraries and highways services costs together with associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health Facilities, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan: July 2011

3.5, 7.4, 7.6

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies:

CS01, CS05, CS10, CS11, CS15

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for

day-to-day decision making.

Relevant Development Management Policies:

DM01, DM02, DM14, DM17

Supplementary Planning Document - Planning Obligations

Supplementary Planning Document - Contributions to Education

Supplementary Planning Document - Contributions to Libraries

Supplementary Planning Document- Contributions to Health Facilities

Relevant Planning History:

H01725/10 - Erection of a three storey building plus rooms in the roofspace to accommodate offices and seven self contained flats, together with associated sub basement parking for 8 cars, following demolition of the existing office building. Approved (06/07/10).

Consultations and Views Expressed:

Neighbours Consulted:	173	Replies: 6
Neighbours Wishing To Speak	0	

The objections raised may be summarised as follows:

- Site is very small and situated on corner of a very busy road
- Provision of anything about 7 homes would permit highly dense development
- Car parking is inadequate
- There is no recreational, green or garden area
- Personal security and privacy of new building is lacking and out of character with other domestic dwellings, for example windows directly onto public footpath
- Council should be promoting affordable and social family housing
- Proposed building out of character
- Proposal will exacerbate existing parking problems in the area
- Loss of privacy to neighbouring properties
- Noise and disturbance with these extra flats will cause much nuisance to local residents
- Building works already commenced - applicants should wait until they have received planning permission

Internal /Other Consultations:

- Harrow Council - No comments received

Date of Site Notice: 06 December 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a single storey office building with a pitched roof, located on

the corner of High Street and Grove Road. It has A2 use.

The site is flanked by Yeshurun Synagogue to the north and properties along Grove Road to the east.

The site is in easy reach of the 'Edgware Town Centre', is accessible to bus routes along the High Street, and is approximately 490m in distance from Edgware tube station.

Proposal:

The application seeks permission for the demolition of the existing building and the erection of a two storey building with rooms in the roof space to create 9 self-contained units (6no. 2 bedroom units and 3no. 1 bedroom units). Seven parking spaces are provided at the ground floor level including one disabled space.

The proposed building will measure 12.3 metres in width, 20.65 metres in depth and 10 metres in height with a mansard roof.

Planning Considerations:

Permission was granted for 7 new flats arranged over 3 new floors above the existing office building in 2010 (ref H01725/10), providing 8 no. parking spaces. This previous scheme also included a ground floor office building. This permission is still extant.

The current proposal would be identical in appearance and bulk to the approved scheme. The differences between this and the previously approved scheme are as follows:

- No office accommodation will be provided as part of this proposal. The ground floor office space will be replaced with two additional units.
- 1 less parking space is proposed.
- 7 additional cycle parking spaces are proposed

All other aspects of the scheme remain unchanged. The overall footprint and height of the building remains as approved. The layout of the top 2 floors of flats remains unchanged with windows in the same location. The original proposal was assessed in terms of its impact on the character of the street scene and on the amenities of the neighbouring occupiers and was found acceptable. There has been no significant change in policy since this time and no change in circumstances on site and these parts of the scheme remain acceptable.

As such, it is only those changed aspects of the scheme that will be considered here.

Planning Considerations:

National Planning Policy Framework (NPPF) states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development.' The London Plan also advocates the most efficient use of land for new

housing.

The Council's Development Plan Documents seek to provide residential housing within residential areas in a manner which is compatible with the character, density and design of the surrounding area. The Council's policies on residential flat developments state that they will only be acceptable if they don't have an adverse affect on the amenity of neighbouring properties and the established character of the street scene.

The main principle of this application is whether the site can accommodate two additional units. The proposed units meet the London Plan standards in terms of minimum floor space requirements and minimum bedroom sizes with the 1 bedroom units measuring a minimum of 50m² and the 2 bedroom units measuring a minimum of 61m². Given the sites proximity to the Edgware Town Centre it has been allocated a high Public Transport Accessibility Level (PTAL) rating and complies with London Plan density standards. In addition, the stacking of the units is considered acceptable with bedrooms on top of bedrooms and living space on top of living space. Given the site's location and the detached nature of the building it is not considered to result in noise and disturbance to future residents or neighbouring occupiers. There would be no harm caused to the amenities of any other neighbour building as a result of the new parts of the proposal.

It is not considered however that the building as proposed would appear unduly prominent or excessive in bulk to the detriment of the Grove Road Street scene and the overall height remains the same as the extant permission, with the rear section set down from the main building to reduce its impact on the street scene.

The previous planning consent did not provide any outdoor private amenity space and given the high density location of this development it is not feasible to provide individual private amenity space. Therefore, the developers have agreed to pay a contribution of £20,000 towards public amenity facilities in Stonegrove Park.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

Comments have not yet been received by the Council's Highways and Access team. Their comments will be written in the addendum to the report.

There is an extant planning permission and the developers can therefore build this scheme.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. SECTION 106 ISSUES

The development requires a Section 106 unilateral agreement to off-set the demands on local resources. The contributions required are as follows education (£18,177.00), health (£9,510.00), library facilities (£1,251.00), green spaces

(£20,000) and the associated monitoring costs (£2446.90). These contributions are considered fair and necessary and are in accordance with policy DM13 of the Local Plan Development Management Policies (Adopted) 2012; policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012; and the Adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

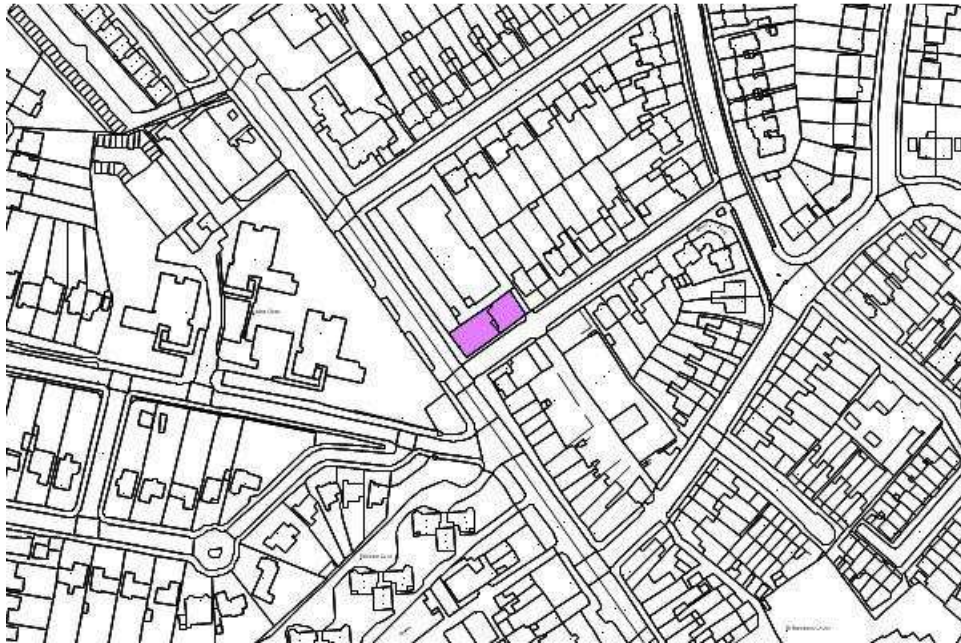
6. CONCLUSION

Having taken all material considerations into account, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

SITE LOCATION PLAN: Gresham House, 144 High Street, Edgware, Middx, HA8 7EZ

REFERENCE: H/04050/12



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AGENDA ITEM 10

LOCATION: 19 Hendon Avenue, London, N3 1UJ
REFERENCE: F/03847/12
WARD(S): Finchley Church End

Received: 10 October 2012
Accepted: 31 October 2012
Expiry: 26 December 2012

Final Revisions:

APPLICANT: Mr S Kanoria
PROPOSAL: Loft extension with 3no front rooflights and 3no rear rooflights to facilitate a loft conversion. Single storey rear and first floor rear extensions, balcony above single storey rear extension and formation of pitched roof to replace existing on side outbuilding.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan, HEN_P04f, HEN_P03f, HEN_P05f, HEN_P06f, HEN_P02a, HEN_P02f, HEN_E03a, HEN_E02a, HEN_P01f, HEN_E06a, HEN_E04a, HEN_E05a, HEN_E00a, HEN_E01a and HEN F01a received by the local planning authority on 10 October 2012; Email from Matthias Hamm of spaceAgent on 14 February 2013 at 09:16.
Reason:
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 4 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 5 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 6 The use of the extensions hereby permitted shall remain ancillary to and occupied in conjunction with the main building which shall at all times remain in residential use (Class C3) only.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

- 7 Before the building hereby permitted is occupied the proposed rear dormer window within the proposed roof of the outbuilding shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Design Guidance Note No.5 on Household Extensions.

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01 and DM02.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or protected trees in the vicinity.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a

positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant/ agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5, CS7.

Relevant Development Management DPD (2012) Policies: DM01, DM02.

Supplementary Planning Documents and Guidance

Design Guidance Note No 5 – Extensions to Houses

The Council Guide ‘Extension to Houses’ was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The council is committed to protecting, and where possible enhancing the character of the borough’s residential areas and retaining an attractive street scene.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

Residential Design Guidance (Consultation Stage):

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4342>

Sustainable Design and Construction (Consultation Stage):

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4343>

Relevant Planning History:

Site Address: Land at rear of 19 Hendon Avenue N3
Application Number: C06347C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 09/04/1980
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey detached house with integral garage.**
Case Officer:

Site Address: Rear of 19 Hendon Avenue N3
Application Number: C06347D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 23/06/1980
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **erection of two storey detached house. Double garage at side and replacement of existing double garage.**
Case Officer:

Site Address: Land rear of 17-19 Hendon Avenue N3
Application Number: C06347E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/08/1980
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey house and detached double garage.**
Case Officer:

Site Address: Land rear of 17-19 Hendon Avenue N3
Application Number: C06347F
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/12/1980
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey house and detached double garage.**
Case Officer:

Site Address: Land at rear of 19 Hendon Avenue N3
Application Number: C06347G
Application Type: Full Application
Decision: Refuse
Decision Date: 17/06/1981
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of five bedroom house and separate garage.**
Case Officer:

Site Address: land rear of 19 Hendon Avenue N3
Application Number: C06347H
Application Type: Full Application
Decision: Refuse
Decision Date: 17/03/1982

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of detached house and garage.**
Case Officer:

Site Address: Land at r/o 19 Hendon Avenue N3
Application Number: C06347J
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/07/1982
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey house with detached garage.**
Case Officer:

Site Address: Land r/o 19 Hendon Avenue N3
Application Number: C06347K
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 23/12/1982
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Detached garage.**
Case Officer:

Site Address: rear of 19 Hendon Avenue N3
Application Number: C06347L
Application Type: Full Application
Decision: Approve
Decision Date: 14/10/1983
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey house with detached garage.**
Case Officer:

Site Address: THE COACH HOUSE 17 Hendon Avenue London N3 1UJ
Application Number: C16145/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 22/03/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of existing 2no. garages into habitable rooms involving external alterations. Construction of attached garage at side. New front porch. Installation of 2no. bay windows at rear. Dormer windows to both sides of projecting front wing.**

Case Officer: Kevin Waters

Site Address: 19 Hendon Avenue London N3 1UJ
Application Number: C06347S/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 10/06/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of timber log single storey building to cover over existing swimming pool.**

Case Officer: Kevin Waters

Site Address: THE COACH HOUSE 17 Hendon Avenue London N3 1UJ
Application Number: C16145A/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 26/04/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side garage extension.**
Case Officer: Kevin Waters

Consultations and Views Expressed:

Neighbours Consulted: 11 Replies: 5

Neighbours Wishing To Speak 2

The objector raised the following concerns:

- There is no proof via Land Registry records to confirm that the applicant of the site is the owner;
- It is extremely unlikely that an extension which includes a lift and when completed 12 bedrooms and 13 bathrooms is solely for domestic use;
- The plans submitted are incorrect as the road labelled 'public access road' on the plans is a private road owned by No. 17a and 17b Hendon Avenue who also pay for the upkeep of the road;
- The applicant is a major shareholder in the business of operating care homes - this extension appears as though it could be used for operating a care home;
- The granting of this application would significantly increase the traffic in the vicinity much of which would be ambulances;
- Increase in the number of bedrooms with en-suites (7 to 12);
- Increase in parking and noise as a result of the increase of rooms;
- Concerns about the proposal change of use from a residential dwelling;
- Works in regard to the change of the garage door to two windows and a doorway in the front elevation plus the conversion of the garage to a habitable room have taken place without planning permission;
- The proposal is out of keeping with the area.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is a two-storey detached property with a bedroom in the roof space. The property lies on a substantial plot located on the southeast side of Hendon Avenue. The surrounding area consists of predominantly residential properties.

Proposal:

The proposal consists of a proposed rear extension on the first floor and at second floor (loft) level to increase the number of bedrooms from 7 at present to 12. No alterations are proposed along the front elevation. The first floor extension would measure 8.4m (w) x 3.5m (depth along the western flank) x 6.2m (height); the extension would measure 6.4m in depth along the eastern flank. A further extension is proposed along the western side of the rear of the property; the extension would

create a gable feature that would accommodate a new bedroom. The extension at roof level would increase the width of the roof from 7.8m to 13.6m with the height of the roof remaining as per the existing.

Planning Considerations:

The main issues in this case are considered to be covered under three main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.
- Whether harm would be caused to any protected trees on site

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Council's draft SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The Council's Design Guidance Note 5 on Extensions to Houses advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

The proposals although substantial in nature (creating a large number of bedrooms) would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses as they would constitute a proportionate addition to the dwellinghouse. The proposal would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

The site contains 4 no trees subject to a tree preservation order; 2 no. at the front and 2 no. at the rear and other non-protected trees on the site. However, given the sufficient distance between the protected trees and the property there is considered to be no significant harm from the proposed scheme on to the trees although suitable conditions could be placed on the decision notice requiring the submission of tree protection measures were the Council minded to approve the application. In this regard the proposal is considered acceptable and complies with the Council's

relevant policies and guidance.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objectors have raised concerns over ownership of the site, however the applicant's agent has completed the relevant part of the application form (Certificate A) and the Council has considered the application valid. In addition to this any discrepancies over the public access as denoted on the plans would not affect the decision of this application given that the access falls outside of the redline area of the site. The Council's Highways officer has not raised any objections to the proposal and therefore in terms of traffic generation the proposal is considered acceptable.

All other issues raised by objectors are either not considered a planning matter or have been addressed in the appraisal section above.

4. EQUALITIES AND DIVERSITY ISSUES

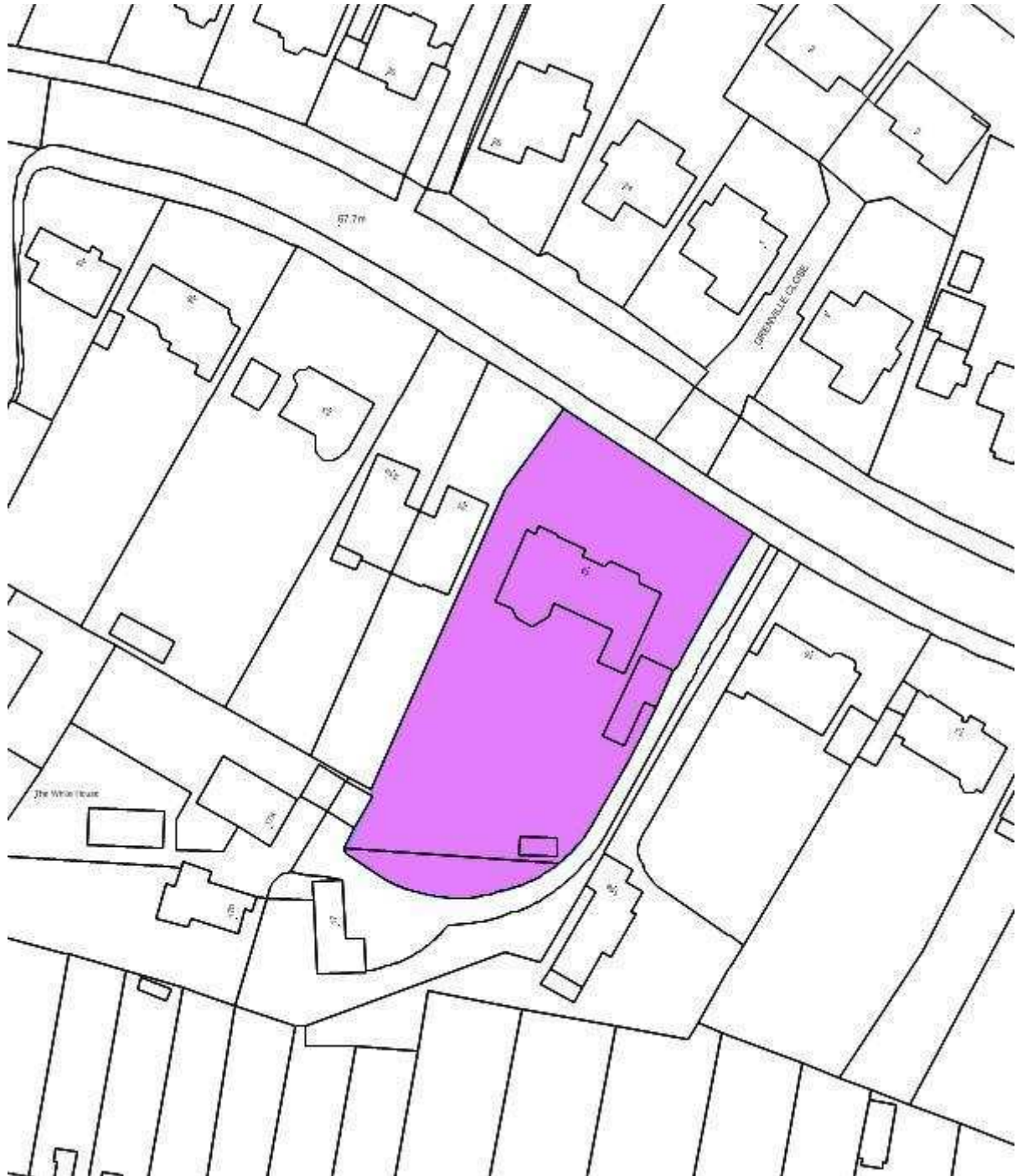
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or any protected trees. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 19 Hendon Avenue, London, N3 1UJ

REFERENCE: F/03847/12



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AGENDA ITEM 11

LOCATION: Land at South East End of Arcadia Avenue, London, N3 2JU
REFERENCE: F/04781/12 **Received:** 20 December 2012
Accepted: 20 December 2012
WARD(S): Finchley Church End **Expiry:** 21 March 2013
Final Revisions:

APPLICANT: Online Property Ltd.
PROPOSAL: Retention of existing building (comprising basement car park, offices at ground and first floor levels and 14 self contained dwelling units at second, third and fourth floor levels) with alterations involving part removal of the fourth floor (Removal of bedroom and en-suite bathroom to Flat 7) to change Flat 7 from a 2-maisonette to a 1-bed flat (including formation of a roof terrace for Flat 7 at fourth floor level) so as to result in 9no. 2-bed and 5no. 1-bed flats.

RECOMMENDATION: Approve Subject to S106

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 **Education Facilities (excl. libraries) £27,636.00**

A contribution towards the provision of Education Facilities in the borough.

- 4 **Libraries (financial) £1,946.00**

A contribution towards Library Facilities and Resources in the borough

- 5 **Health £9,917.00**

A contribution towards Health Facilities and Resources in the borough

- 6 **Monitoring of the Agreement £1,974.95**

Contribution towards the Council's costs in monitoring the obligations of the agreement.

- 7 **Affordable Housing (financial) £35,421.05**

A contribution towards the provision of Affordable Housing within the London Borough of Barnet.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/04781/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. PL-100; Drawing no. PL-101; Drawing no. PL-102; Drawing no. PL-103; Drawing no. PL-104; Drawing no. PL-200; Drawing

no. PL-201; Drawing no. PL-202; Drawing no. PL-203; Drawing no. PL-204; Code For Sustainable Homes Pre-Assessment Report by ThermEnergy; Sustainability Statement by ThermEnergy (date received 20-Dec-2012); PTAI Study Report (date received 14-Jan-2013).

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 3 The hereby approved parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved residential development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 4 The building comprising Class B1 office space on the ground and first floors and self-contained residential units on the second, third and fourth floors together with the provision of parking spaces at basement level shall be demolished and all materials resulting from the demolition shall be removed within six months of the date of failure to meet either requirement (i), or any one of the requirements set out in (ii) to (v) below:

(i) within six months of the date of this decision details of obscure glazed screens to the balconies shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details.

(ii) details of obscure glazed screens to the balconies shall be submitted for the written approval of the local planning authority and the details shall include a timetable for its implementation.

(iii) if within six months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(v) the approved details shall have been carried out and completed in accordance with the approved timetable.

Reason: To protect the amenities of neighbouring occupiers in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 5 The building comprising Class B1 office space on the ground and first floors and self-contained residential units on the second, third and fourth floors together with the provision of parking spaces at basement level shall be demolished and all materials resulting from the demolition shall be removed within six months of the date of failure to meet either requirement (i), or any one of the requirements set out in (ii) to (v) below:

(i) within six months of the date of this decision details of external lighting to the balconies shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details.

(ii) details of external lighting to the balconies shall be submitted for the written approval of the local planning authority and the details shall include a timetable for its implementation.

(iii) if within six months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(v) the approved details shall have been carried out and completed in accordance with the approved timetable.

Reason: To protect the amenities of the neighbouring occupiers and prevent light pollution in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012)..

- 6 The flat roof section of the building hereby permitted (with the exception of areas marked as balconies or terraces on the hereby approved drawing) shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

The Mayor's London Plan: July 2011

- Policy 2.15 – Town Centres
- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.10 – Definition of Affordable Housing
- Policy 3.11 – Affordable Housing Targets
- Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 3.14 – Affordable housing thresholds
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 6 – Promoting Barnet's town centres
- Policy CS 7 – Enhancing and Protecting Barnet's Open Spaces
- Policy CS 9 – Providing safe, effective and efficient travel
- Policy CS 15 – Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM04 Environmental considerations for development
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM10 Affordable housing contributions

- DM11 Development principles for Barnet's town centres
- DM13 Community and education uses
- DM14 New and existing employment space
- DM17 Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Barnet SPD: Planning Obligations (Section 106) (September 2006)
- Barnet SPD: Contributions to Health Facilities from Development (July 2009)
- Barnet SPD: Contributions to Education from Development (February 2008, Updated January 2010)
- Barnet SPD: Contributions to Library Services from Development (June 2008)
- Barnet SPD: Sustainable Design and Construction (June 2007)
- Barnet SPD: Affordable Housing (February 2007, Updated August 2010)

ii) The proposal is acceptable for the following reason(s): The building as amended would result in a suitable addition to this part of Finchley and would not harm the setting of the nearby Glenhill Close conservation area. The proposals provide good standards of amenity for future occupiers and as conditioned protect the residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds. Suitable planning contributions have been secured by legal agreement to offset the impact of the proposals on local services. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

iv) In this case formal pre-application advice was sought prior to submission of the application.

2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

3 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 £63,105.00.

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.

RECOMMENDATION III

That if an agreement has not been completed by 23/03/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/04781/12 under delegated powers for the following reason/s:

1. The development would require a Unilateral Undertaking and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional education, health, affordable housing and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policies CS4, CS10 and CS11 of the Local Plan Core Strategy DPD (Adopted) 2012 and DM10 of the Local Plan Development Management Policies DPD (Adopted) 2012; and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

- Policy 2.15 – Town Centres
- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.10 – Definition of Affordable Housing

- Policy 3.11 – Affordable Housing Targets
- Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 3.14 – Affordable housing thresholds
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- Policy 7.1 – Building London’s Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

Core Strategy Policies 2012

- Policy CS 1 Barnet’s Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet’s character to create high quality places
- Policy CS 6 – Promoting Barnet's town centres
- Policy CS 7 – Enhancing and Protecting Barnet’s Open Spaces
- Policy CS 9 – Providing safe, effective and efficient travel
- Policy CS 15 – Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet’s character and amenity
- DM02 Development standards
- DM04 Environmental considerations for development
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM10 Affordable housing contributions
- DM11 Development principles for Barnet’s town centres
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- DM14 New and existing employment space
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- Barnet SPD: Contributions to Library Services from Development (June 2008)

- Barnet SPD: Sustainable Design and Construction (June 2007)
- Barnet SPD: Affordable Housing (February 2007, Updated August 2010)

Relevant Planning History:

C/00726/AA/06	Erection of new building comprising of Class B1 office space on ground and first floors and a total of 14 self-contained residential units on second, third, and fourth floors. Provision of 15 car-parking spaces at basement level – Refused 2006
C/00726/AB/06	Erection of new building comprising of Class B1 office space on ground and first floors and a total of 14 self-contained residential units on second, third, and fourth floors. Provision of 15 car-parking spaces at basement level – Refused by planning committee in 2007 – Allowed at appeal 2008
C00726U	Part four, part three storey office (B1) building with basement car parking for 40 cars – Approved 1991
C00726V	Redevelopment to provide a part 3, part 4 storey office building with basement parking for 40 cars – Approved 1992

Consultations and Views Expressed:

Neighbours Consulted: 153 Replies: 16
 Neighbours Wishing To Speak 1

Objections received can be summarised as follows:

- Increase in traffic and insufficient parking facilities.
- The building’s planning permission has now expired.
- The proposed development compromises the privacy of properties in The Avenue.
- The existing development is out of scale with surrounding buildings and is over-bearing to the smaller dwellings on The Avenue.
- Barnet Council’s planning rules are being ignored and manipulated by the developer.
- The existing building bears no resemblance to the approved documents that granted planning permission on the 14th of January.
- The development is out of character with Glenhill Close.
- Materials used are different to those of the original proposals. (Zinc roofline & powder coated horizontal windows, white painted render and glass screens.
- Condition 9 regarding obscure glazed windows and balcony screens have not been complied with as mentioned in Appeal Decision APP/N5090/A/07/2051319.
- The application is not proposing any measure to address the issues of non-compliance and it is detrimental to the local amenity.
- The brick used is out of character with Glenhill Close.
- Loss of light, loss of privacy, increase in light pollution, noise pollution & effect on the Conservation Area.
- Condition controlling parking has not been satisfied.
- Car park was supposed to provide parking for 15 vehicles- it does not,

- increasing parking congestion and traffic.
- Vegetation does not screen penthouse
- Development compromises privacy as the view from fourth floor of existing building allows sight into bedrooms

Internal /Other Consultations:

- Traffic & Development – no objection
- Conservation and Design - no objection

Date of Site Notice: 10 January 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the end of Arcadia Avenue, off Regents Park Road. The site is highly accessible, close to the amenities of Finchley Church End town centre, main bus routes and Finchley Central tube station.

Arcadia Avenue is characterised by buildings of different styles varying between three to four storeys in height. The rear of the site backs onto properties on Glenhill Close which is a conservation area and The Avenue (not within a conservation area). Both Glenhill Close and the Avenue are residential streets.

The site currently consists of part three, part four storey building consisting of offices and flats.

Planning History and Proposal:

The site has an extensive planning history. The most relevant application is planning application reference C/00726/AB/06. This application for “Erection of new building comprising of Class B1 office space on ground and first floors and a total of 14 self-contained residential units on second, third, and fourth floors. Provision of 15 car-parking spaces at basement level” was refused by the Council in 2007. An appeal was subsequently allowed in 2008. This appeal decision is a material consideration.

Building works started on site and an enforcement investigation was opened as there were concerns that the proposals were not being implemented in accordance with the approved drawings.

An enforcement notice was served in November 2011 requiring the demolition of the building. The reasons for issuing the notice referred to the top floor which was considered overbearing and out of character with the area, the fenestration and lack of financial contributions.

The notice was appealed and the time limit for compliance was extended to April 2013 to enable to applicant to reach an agreement with the Local Planning Authority.

Since then, the applicant has engaged with officers to discuss the best way forward. Several meetings were held and the application presented to the planning committee is the rest of those negotiations.

The current application seeks planning permission for the retention of the existing building (comprising basement car park, offices at ground and first floor levels and 14 self contained dwelling units at second, third and fourth floor levels) with alterations involving part removal of the fourth floor.

The alterations to the third floor would result in the removal of a bedroom and en-suite bathroom to Flat 7 which would change from a 2-maisonette to a 1-bed flat. It is also proposed to form a roof terrace for Flat 7 at fourth floor level. The development would then consist of nine 2-bed and five 1-bed flats. The applicant also proposes to relocate downpipes in the front elevation to reduce their visibility.

Planning Considerations:

Residential Use

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is previously developed land and therefore is sequentially preferable for residential development. The site is within a short walk of Finchley Church End town centre and its amenities. The town centre is well connected to public transport links. The site is accessible by a choice of means of transport and has good links to existing shops and services. The site is not identified in the UDP or any other documents for other uses or development. The surrounding area comprises a mixture of commercial and residential uses. The principle of residential use on the site is deemed to be acceptable and has been accepted as part of the 2008 appeal.

Residential Density

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site has good access and benefits from a PTAL of 4 and is considered to fall within an urban setting as defined in the London Plan. The majority of the units would be 1 or 2 bed flats and therefore the habitable room average will be low. The London Plan Density Matrix therefore suggests a range of 70-170 units per hectare. Taking the site area of 0.088ha, the proposal for 17 flats would equate

to a density of 159 units per hectare (420 habitable room per ha) which complies with the London Plan density matrix.

Amenity of future occupiers

Policy 3.5 of the London Plan requires the design of all new dwellings to meet dwelling space standards which are set out in Table 3.3 of the plan. The proposals comply with this standard.

Council guidelines require 5 square metres of usable amenity space per habitable room for residential developments. It recognises that proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided. Balconies and terraces are provided to all the flats as per the 2008 permission when the amenity standards were similar and this aspect of the proposals is considered acceptable.

Design

National guidance makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. It makes it clear that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. The statement also points out that although visual appearance and the architecture of buildings are factors in achieving high quality design, securing high quality design goes far beyond aesthetic consideration. It then makes it clear that good design also involves integrating development into the existing urban form and built environment.

This is reinforced by Policy DM01 of the adopted Local Plan which advocates that the design and layout of proposals should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene.

The previous inspector described that building as “well proportioned”. He stated that the building “would relate satisfactorily in scale and massing to the other buildings in Arcadia Avenue”.

The proposals involve the removal of part of the fourth floor. The fourth floor as built has resulted in an obtrusive feature that has harmed the character of this part of Finchley. As a result of the removal of this feature proposed as part of the current planning application, the building would be less bulky than the 2008 permission. This would significantly improve the appearance of the building when viewed from Arcadia Avenue and The Avenue. The impact on the Glenhill Close conservation area would also be reduced to a level which is considered acceptable. As part of the 2008 appeal the Inspector commented that “the planting on the boundary is not within the appeal site and given the existing ground levels, the works within the site would not result in significant ground disturbance so as to endanger the existing trees and shrubs”. He considered that “the screening would remain and would be effective in minimising the impact of the proposal on the adjoining conservation area”. This aspect of the proposals has not changed.

Impact on Neighbouring Amenity

The layout of the proposals is not different to the 2008 approval. The position of windows and balconies remains as per the 2008 approval. However, in view of the proximity of those balconies and terraces from surrounding residential properties, it is considered that details of lighting should be conditioned to ensure that there is no unacceptable light spillage to neighbouring sites.

As in the 2008 appeal decision, a planning condition is required to ensure that windows and balcony screens shown on the plans to be obscure glazed shall be so fitted and thereafter retained as such.

It is considered that the design and bulk of the proposed building and the orientation of habitable room windows and balconies ensure that the development does not impact more on neighbouring properties through significant overlooking than the 2008 appeal permission.

Highways and Access

15 car parking spaces are provided on site, one of which is a disabled space. For residential developments, council standards require the provision of 1 space per 1 bed unit and between 1.5 and 1 space per 2 and 3 bed units. The parking provision complies with policy. The development incorporates a turning head within the site. Access arrangements and the number of spaces remains unchanged from the 2008 appeal. The council's Highways department have not objected to the application.

Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11
 - a. affordable housing targets adopted in line with Policy 3.11,
 - b. the need to encourage rather than restrain residential development (Policy 3.3),
 - c. the need to promote mixed and balanced communities (Policy 3.9)
 - d. the size and type of affordable housing needed in particular locations
 - e. the specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability.

This approach is reflected in Core Strategy policy CS4 and Development Management policy DM10 which state the maximum amount of affordable housing should be sought having regard to a target of 50% affordable housing overall and to a viability assessment for individual developments. The Policy sets a target of 40% affordable housing on sites of 10 units or more or covering 0.4 hectares or more. Therefore, the site should deliver the maximum reasonable amount of affordable

housing, subject to viability.

As a result of the enforcement and pre-application discussions, it became clear that the site is not suited to accommodate affordable units on site and in view of the site's circumstances and the 2008 appeal decision when the Inspector supported the principle of a contribution, officers resolved to determine the maximum contribution that the development could afford.

An independent consultant was appointed by the Council and a Viability Assessment has been obtained. The independent consultant's conclusion is that the development can afford no more than £140,000.

The following other contributions are required:

- f. Education £27,636.00
- Libraries £1,946.00
- Health £9,917.00
- Monitoring £1,974.95
- Mayoral CIL £63,105.00

The available remaining affordable housing contribution is therefore £35,421.05. This is secured by legal agreement.

Education needs generated by the development:

The proposal provides 14 residential units that are considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008. It is considered that a financial contribution towards future education facilities is justified and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme of 14 residential units requires a contribution of £27,636.00 plus a monitoring fee of 5%

Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £1946.00 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide 14 additional residential units that are considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £9,917.00 and a monitoring fee of 5%.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the grounds of objections have been addressed in the above appraisal. It is acknowledged that some of the detailing of the building (bricks and windows for example) are different to those seen by the appeal inspector as part of the previous scheme. It is not considered that the change in those details would warrant refusing the application.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The building as amended would result in a suitable addition to this part of Finchley and would not harm the setting of the nearby Glenhill Close conservation area. The proposals provide good standards of amenity for future occupiers and as conditioned protect the residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds. Suitable planning contributions have been secured by legal agreement to offset the impact of the proposals on local services. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

SITE LOCATION PLAN: Land at South East End of Arcadia Avenue, London, N3 2JU

REFERENCE: F/04781/12



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LOCATION: Garages to the rear of 1-12 Gloucester Court, Gloucester Gardens, London, NW11 9AA **AGENDA ITEM 12**

REFERENCE: F/00031/13 **Received:** 21 December 2012
Accepted: 27 December 2012

WARD(S): Golders Green **Expiry:** 21 February 2013
Final Revisions:

APPLICANT: Zas

PROPOSAL: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Design and access statement, SDC/SHE/01, SDC/SHE/02 and SDC/SHE/03.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the floor plan layout as shown on the hereby approved plans must not be changed.
Reason:
To safeguard the amenities of neighbouring occupiers and the general locality.
- 7 The roof hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

- 8 No windows or doors other than those expressly authorised by this permission shall be constructed in any elevations of the self contained units hereby approved facing the neighbouring properties.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining properties.

- 9 Before the building hereby permitted is occupied the proposed window(s) in the front elevation facing Gloucester Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D & E of Part 1 to Schedule 2 of that Order shall be carried out within the area of the dwellinghouse hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 11 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 12 No development shall take place until details of the arrangements to meet the obligation for health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS10, CS11 and CS15 of the Adopted Barnet Core Strategy DPD (2012) and the adopted Supplementary Planning Documents "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

- 13 The garden/ amenity space shown on the approved plans shall remain as amenity space and shall not be used for any other purpose.

Reason:

To preserve the amenities of future occupiers of the studios.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and

policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4 and CS5.

Development Management Policies (Adopted) 2012: DM01, DM02, DM08 and DM17.

ii) The proposal is acceptable for the following reason(s): - The conversion of the garages into two self contained flats and proposed alterations are considered to be acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

iv) In this case, formal pre-application advice was sought prior to submission of the application.

- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 3 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 £2698.50p.

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.

1. MATERIAL CONSIDERATIONS

National Planning Policy:

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan: July 2011

The Mayor of London, The London Plan, Spatial development strategy for Greater London, Consolidated with Alterations since 2004 is the development plan in terms of strategic planning policy. Relevant strategic policy includes 3.5.

Supplementary Planning Guidance:

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Draft Residential Design Guidance SPD (2012).

Draft Sustainable Design and Construction SPD (2012).

Core Strategy (2012):

The Core Strategy contributes to achieving the vision and objectives of Barnet's Sustainable Community Strategy and helps our partners and other organisations to deliver relevant parts of their programmes. It covers the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Relevant Core Strategy Policies (2012): CS NPPF, CS1, CS4 and CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making.

Relevant Development Management Policies (2012): DM01, DM02, DM08, DM17.

Relevant Planning History:

Site Address: Garages to the rear of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Application Number: F/05000/11

Application Type: Full Application

Decision: Refuse for the following reasons:

- 1 The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version)

2012.

2 The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

3 No undertaking has been given by the developer to meet identified additional educational, health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Emerging Local Plan Core Strategy (Examination in Public Version) 2012.

Decision Date: 12/19/2012

Appeal Decision: Dismissed

Appeal Decision Date: 12/19/2012

Proposal: **Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.**

Case Officer: Neetal Rajput

Site Address: Garages to the rear of 1-12, Gloucester Court, Golders Green Road, London, NW11 9AA

Application Number: F/02764/12

Application Type: Full Application

Decision: Refuse for the following reasons:

1 The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Local Plan Development Management Development Plan Document (Adopted) 2012.

2 The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Local Plan Development Management Development Plan Document (Adopted) 2012.

3 No undertaking has been given by the developer to meet identified additional health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Local Plan Core Strategy (Adopted) 2012.

Decision Date: 17/09/2012

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.**

Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 101 Replies: 13

Neighbours Wishing To Speak 0

It should be noted that two rounds of public consultation have been carried out following the receipt of amendments. All objections listed above were received prior to the amendments made to the proposals.

The objections raised may be summarised as follows:

- Overlooking, loss of privacy
- Noise and disturbance
- Loss of view and light
- Loss of property value
- The application has been previously refused and dismissed on appeal.
- Overcrowding
- Blocking the fire escapes at the rear of Gloucester Court
- The garages are in constant use.
- Garage 10 is owned by a separate party
- Legal ownership issues in regard to the garages
- Current leases have a clause that the garages are to be used only for purpose of garaging and not be converted
- Shortage of street parking, garage availability and affordability
- Reduced amenity provision
- Additional pressure on local services
- Insufficient consultation
- Inaccurate information
- No turning space between garages and external stairs – cars are parked outside the garages
- Restricted access for emergency services
- Security issues
- Construction works
- Environmental impact – waste disposal facilitates, impact on sewage
- Unsuitable location
- Appearance of the proposal
- Increase in fire risk

Date of Site Notice: 17 January 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a row of garages to the rear of Gloucester Court in Golders Green. The rear of the main building at Gloucester Court is used as access to some of the flats.

Proposal:

The application seeks consent for the partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

The proposals have been amended since first being submitted to increase significantly the amenity area provided on site.

History/ Background:

This application follows the appeal reference F/05000/11 which was dismissed on the grounds of no amenity space provision for the new units. The application therefore seeks to address this issue. A copy of the appeal decision is attached as an appendix to this report.

Planning Considerations:

The key consideration for this case is whether the proposals have addressed the Inspector's appeal decision notice. The main issues are therefore the loss of amenity space

Principle, Character and Design

The appeal Inspector did not object to the principle of the development, which is therefore considered to be acceptable.

Paragraph 21 of the NPPF states, 'the government encourages the effective use of land by reusing land that has been previously developed (brownfield land)'.

Paragraph 56 states "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

It is considered that the application complies with the above sections of the NPPF.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The application proposes pitched roofs over the units, new doors and windows, brick infill and render panels on the exterior of the building. It is considered that these alterations are acceptable and will preserve the character and appearance of the surrounding area. It is not considered that the conversion would result in a demonstrable harm to the immediate area which will be detrimental to the character and appearance of Golders Green.

Amenity:

The previous application was refused and dismissed on appeal on the grounds that the scheme did not provide acceptable levels of amenity standards. The current scheme has been amended to provide 20 sqm of private amenity space for each unit which is divided by a 1.8m high fence. It is therefore considered that this addresses the Inspector's concerns and that the scheme is now acceptable on these grounds. Although the site is within an area identified as being deficient in open space, there is a park within a walking distance and the proposed units will have other locational advantages in being close to transport and services as a result of it's edge of town centre location.

It is considered that there is sufficient space to allow the occupants unrestricted

movement within the premises. The flats comply with the space standards in the London Plan policy 3.5 which states that all studios should have an internal area of 37sqm.

In relation to the overlooking issues, it is considered that as the previous application was considered to be acceptable no objections are made on these grounds to the current scheme. Given there are new windows which overlook the amenity space, it is considered that the front windows can be obscure glazed. A condition has been attached to ensure this is the case. The proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self contained units. In addition, the vast majority of the existing flats on Gloucester Court have their rear windows and doors fitted with obscured glass, thus there would be no overlooking from the occupants of the existing flats to the future occupiers of the proposed self contained flats.

Highways:

The proposal is for the conversion of existing lockup garages at the rear of Gloucester Court and to provide 2 self contained studio flats. The garages have been unused and vacant for a long time.

There are also difficulties with the access to the garages as it is narrow (less than 2ms wide) and it is difficult for cars to manoeuvre from Gloucester Gardens due to an existing old side extension which partly blocks the access road. Cars cannot turn into the access road easily due to poor visibility.

In view of several factors including the location of the site and the following:

- The proposal is for a conversion
- The site is within a CPZ

Taking into consideration the above on balance the proposal is acceptable on highways grounds. The appeal Inspector did not object on these grounds.

Contributions:

In accordance with the Councils Supplementary Planning Documents in relation to Health, Education and Libraries, the proposed development would require a financial contribution (plus associated monitoring costs) towards health and library provision within the borough via the discharge of the condition attached to the decision. This matter is conditioned.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

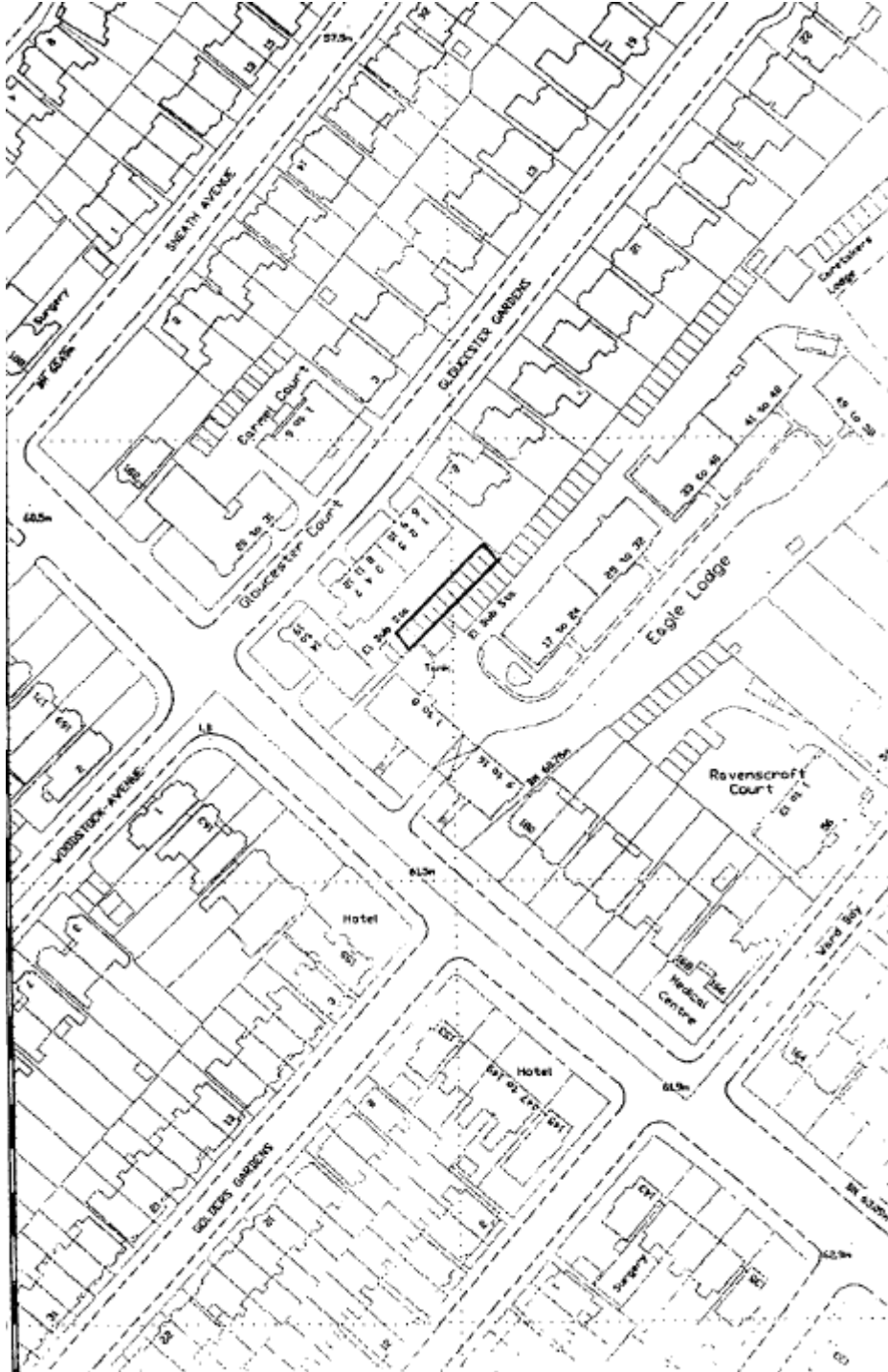
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

As conditioned, the proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved** subject to the discharge of the attached conditions.

SITE LOCATION PLAN: Garages to the rear of 1-12 Gloucester Court, Gloucester Gardens, London, NW11 9AA

REFERENCE: F/00031/13



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LOCATION: Mill Hill ERUV
REFERENCE: H/01250/12

Received: 28 March 2012 **AGENDA ITEM 13**

Accepted: 10 May 2012

Expiry: 05 July 2012

WARD(S):

Final Revisions:

APPLICANT: Mill Hill Eruv Committee

PROPOSAL: In connection with the creation of an Eruv in Mill Hill, and as an amendment to application H/01834/10 dated 6th July 2010, the construction of pole and wire gateways, 1m high posts known as 'leci' and fencing at the following locations:
Site 1: Under the M1 Bridge, Ellesmere Avenue/Westmere Drive (4 x leci)
Site 2: Fairway Court, The Fairway (4x 6m high poles and connecting wire)
Site 3: Across the Barnet Way (A1) and outside 86 Barnet Way (2 x 4m high poles and 4 x 6m high poles and connecting wire. 4 x leci)
Site 4: Courtland Primary School and between 42 & 44 Hankins Lane (2x 6m high poles and connecting wire)
Site 5: Top of Bedford Road adjacent to Moat Mount Open Space (fencing)
Site 6: NO LONGER REQUIRED
Site 7: Highwood Ash, Highwood Hill and between York Lodge and Rafflewood, Highwood Hill (2 x6m high poles and connecting wire)
Site 8: Highwood Hill Cottage, Highwood Hill (3 x 4m high poles and connecting wire)
Site 9B: The Ridgeway- Sheepwash Pond/ War memorial (2x 6m high poles and connecting wire)
Site9B: The Ridgeway- behind the war memorial (fencing)
Site 9C: The Ridgeway- outside Bicentennial Building, Mill Hill School and opposite (2x 6m high poles and connecting wire)
Site 9D: The Ridgeway- entrance to Mill Hill School and Headmaster's House (2x 6m high poles and connecting wire)
Site 10: St Vincents Lane close to the junction with The Ridgeway (2x 6m high poles and connecting wire)
Site 11: The Laboratory, Burtonhole Lane and 4 Oakfields, Burtonhole Lane (2x 6m high poles and connecting wire)
Site 12: Near Oakfields Cottage, Partingdale Lane and to the rear of Ridgetop House and Elbury, The Ridgeway on Partingdale Lane (2x 3m high poles and connecting wire, fencing and 2x 6m poles and connecting wire)
Site 13: Bray Road at the junction of Bittacy Hill (3x 6m high poles and connecting wire)
Site 14: Entrance to Mill Hill Depot, Bittacy Hill (3x 6m high poles and connecting wire)
Site 15: Entrance to Bittacy Business Centre, Bittacy Hill (2x 6m high poles and connecting wire)
Site 16: M1 Junction 2/ Great North Way (3x leci)

Site 17: Foot tunnel under Midland Mainline, Grahame Park Way (2x leci)

Site 17A: A41 Bridge over old M1 junction 2 (Pentavia side) (2x leci)

Site 17B: Bunns Lane backing onto M1 old junction 2 (fencing)

Site 17C: Bunns Lane east of M1 bridge east of Dove Close (fencing)

Site 17D: Bunns Lane/ M1 bridge (2x leci)

Site 18: Bianca Court, Bunns Lane & 1 Langley Park (2x 6m high poles and connecting wire).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: MH_001 Issue 4, MH_002 Issue 4, MH_003 Issue 4, MH_004 Issue 4, MH_006 Issue 4, MH_009 Issue 4, MH_010 Issue 4, MH_012 Issue 4, MH_013 Issue 6, MH_014 Issue 7, MH_016 Issue 3, MH_017 Issue 6, MH_018 Issue 3, MH_021 Issue 3, MH_026 Issue 2, MH_030 Issue 2, MH_031 Issue 1, MH_A041 Issue 3, MH_A042 Issue 2, MH_A043 Issue 2, ERUV_TP_6M Issue 7, ERUV_MH_0102 Issue 1, MH_002_TP3M Issue 2, ERUV_MH_0111 Issue 1, ERUV_MH_0111_02, MH_DET_002_1.2M Issue 2.
Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of this permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works*.
Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.
- 4 No siteworks or works on this development shall be commenced before a Detailed Arboricultural Method Statement for each site, expanding on the principles set out in the Preliminary Arboricultural Method Statement by Treework Environmental Practice dated April 2010, detailing precautions to minimise damage to trees at the various site locations, in accordance with Section 7 of British Standard BS5837: 2010 Trees in relation to design, demolition and construction – Recommendations, is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason: To protect the character and appearance of the area and safeguard the health of existing trees which represent an important amenity feature.

- 5 The poles hereby approved at the following sites shall be treated upon installation with anti climb paint 2m above adjacent ground level;
- Site 3. Pole adjacent to boundary of 86 Barnet Way
 - Site 7. Pole adjacent to boundary of "Highwood Ash".
 - Site 8. Three poles adjacent to "Highwood Hill Cottage" hedge.
 - Site 9B. Pole adjacent to Belmont Farm fence.
 - Site 10. Both poles.
 - Site 11. Both poles.
 - Site 12. Pole adjacent to boundary of "Ridgetop House".
 - Site 18. Pole adjacent to boundary of 1 Langley Park.

The anti-climb paint shall be retained and maintained thereafter.

Reason: In the interest of maintaining the security of the adjacent properties.

- 6 A Construction and Maintenance Strategy, for works hereby permitted on the Transport for London Road Network public highway, shall be submitted to and approved by the Local Planning Authority, in consultation with Transport for London, prior to construction work commencing on site. The Strategy shall include details of how the Eruv equipment (poles, wire, leci) would be properly constructed and maintained in a safe manner, which would not compromise the smooth and safe flow of pedestrians and traffic on the TLRN public highway.
- Reason: To ensure that disruption to pedestrians and traffic on the TLRN road network would be kept to a minimum.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Core Strategy and Development Management Policies (2012).

In particular the following polices are relevant:

Core Strategy Adopted 2012:

CSNPPF

CS1 Barnet's Place Shaping Strategy- Protection, Enhancement and Consolidated Growth- The Three Strands Approach

CS5 Protecting and enhancing Barnet's Character to Create High Quality Places

CS07 Protecting and Enhancing Barnet's Open Spaces

CS09 Providing Safe, Effective and Efficient Travel

CS10 Enabling Inclusive and integrated Community Facilities and Uses

CS12 Making Barnet a Safer Place

Development Management Policies Adopted 2012:

DM01 Protecting Barnet's Character and Amenity

DM02 Design Standards

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM13 Community, Education Uses

DM17 Travel Impact and Parking Standards

ii) The proposal is acceptable for the following reason(s): -

It is considered that the proposed development, by virtue of its siting and design, would not represent unduly intrusive additions in the streetscene and would not result in an over proliferation of street furniture at the various locations. The developments proposed at the sites within the Conservation Area would have a neutral impact on its character and appearance. The openness of the Green Belt would not be compromised by the development proposed within it.

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 to 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 site has been assessed and it is considered that the proposal would be acceptable in terms of its impact on the streetscene, appearance of the area, and the visual amenity of residents. In conservation terms the application would be neutral and would preserve the character and appearance of the Mill Hill Conservation Area.

The size and siting of the proposed poles 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.

2 The supporting documents accompanying the application are:

Summary Report mh_030_issue 3_29apr2012_design statement; Access Statement mh_31 Issue-1; Materials and Colour, Draft Method Statements mh 100-issue 6 29apr2012; Stress Report MH 008 Issue 2.

3 The erection of development on the highway will require a licence under the

Highways Act. It will be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security, technical specification (including colour of poles and type of wire) etc. The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.

- 4 Licenses under the Highways Act will only be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner.
- 5 Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
- 6 In accordance with the general guidance given in the Traffic Signs Regulations and General directions 2002, the applicant should ensure that structures located at the front of the kerb, on a verge or a footway should be a minimum of 0.45m away from the kerblines on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
- 7 Prior to the commencement of any works on Site 17, the developer must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.
- 8 The applicant must obtain necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other consent(s) under relevant highway and traffic legislations prior to construction work commencing on site.
- 9 The applicant would be fully responsible for maintaining the proposed poles, wire and leci to be placed on the Transport for London Road Network public highway at all times.
- 10 The applicant would be liable for the cost of rectifying damage caused to the Transport for London Road Network public highway resulting from construction and maintenance of the proposed Eruv structures.
- 11 Transport for London requests that each of the Eruv sites on the Transport for London Road Network public highway would be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commencing on site, and would need to be ready for inspection upon demand by Transport for London at any time.
- 12 No construction and maintenance work to the Eruv structures shall be undertaken on the Transport for London Road Network public highway without prior consent from Transport for London. The work shall be carried out fully in accordance with relevant existing health and safety legislation and rules, as well as direction and guidance provided by Transport for London.

- 13 Despite the grant of planning permission from the Local Planning Authority, Transport for London reserves its right to revoke consents / licences, and request the removal of the proposed Eruv structures at any time, if the existence of such structures would be deemed no longer appropriate in the interest and benefit of public, highway operation and road users on the Transport for London Road Network (e.g. highway maintenance, statutory undertakers' requirement, safety and highway network development).
- 14 Any and all works carried out in pursuance of this grant of planning permission 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.
- 15 Any ongoing maintenance works to trees in the Conservation Area and / or protected by a Tree Preservation Order, will require notification / application in accordance with Tree Preservation Legislation.
- 16 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF).

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document, which replaced Planning Policy Guidance Notes and Planning Policy Statements, condenses national guidance into a 50 page document as part of the reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The key theme of the new guidance is that Local Planning Authorities should approach applications with a presumption in favour of sustainable development.

The 3 identified dimensions to sustainable development are: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including a social role. This is defined as: 'supporting strong, vibrant and healthy communities ...with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

One of the 12 identified core land use planning principles that should underpin both plan making and decision taking, states that planning should 'take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

The NPPF identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Planning Authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions should aim to achieve places which promote (inter alia) 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'. Planning policies and decisions should 'plan positively for the

provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

The Mayor's London Plan: July 2011

The London Plan was published in July 2011 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan provides strategic planning policy for all London Boroughs for the period up to 2031.

Policy 3.1 Ensuring Equal Life Chances for All

Policy 3.16 Protection and Enhancement of Social Infrastructure

Policy 6.10 Walking

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.4 Local Character

Policy 7.5 Public Realm

Policy 7.8 Heritage Assets and Archaeology

Policy 7.21 Trees and Woodlands

Barnet Local Plan (2012)

Relevant Core Strategy Policies:

CSNPPF National Planning Policy Framework – Presumption in Favour of Sustainable Development

CS1 Barnet's Place Shaping Strategy- Protection, Enhancement and Consolidated Growth - The Three Strands Approach

CS5 Protecting and enhancing Barnet's Character to Create High Quality Places

CS07 Protecting and Enhancing Barnet's Open Spaces

CS09 Providing Safe, Effective and Efficient Travel

CS10 Enabling Inclusive and integrated Community Facilities and Uses

CS12 Making Barnet a Safer Place

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity

DM02 Development Standards

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM13 Community and Education Uses

DM17 Travel Impact and Parking Standards

Mill Hill Conservation Area Character Appraisal Adopted 2008

The Character Appraisal states;

The public realm covers a variety of features found in the spaces between the buildings. It includes street paving, litter bins, signage and street furniture such as litter bins, lighting and bus shelters. The quality of these components make an important contribution to the character and appearance of the Conservation Area. They can adversely affect the special interest of the whole area (if they are badly designed, sited or neglected).

Street lighting is provided by modern lamp standards of various designs. They are generally well sited and maintained, receding into the street scene in an appropriate manner. Lamp standards of a more pedestrian scale can be found in certain locations throughout the conservation area such as by the pond in Mill Hill Village. Some historic street lights can also be found in the Linen and Woollen Drapers Cottage Homes, either side of Hammers Lane.

Within the Conservation Area street furniture is a mixture of rural and suburban modern products, and one of the issues indicated in the Character Appraisal is that street furniture often lacks co-ordination.

Trees and planting make a very important contribution to the character and appearance of the conservation area.

Within the Character Appraisal the Conservation Area is divided into six character areas. In Character Area 3 (The Ridgeway) amongst the principal negative features it is listed that there is scope for improving the design, style & siting of street furniture.

Planning History:

B/03772/11: Barnet Eruv. The construction of pole and wire gateways, or 1m high posts (lechi) at various locations. Planning permission granted 12.11.12.

B/03356/11: Woodside Park Eruv. The construction of poles and wire, or wooden gateways, or 1m high posts (lechi) at various locations. Planning permission granted 23.10.12.

H/01834/10: Mill Hill Eruv, 19 Sites in the Mill Hill Area. Planning permission granted 6.7.10

H/00921/09: 9 sites around the Edgware Area to Complete the Stanmore/ Canons Park Eruv. Planning permission granted 25.6.09

W13797/04: Edgware Area Eruv. 39 poles for the purpose of establishing an Eruv in the Edgware area. Planning permission granted 24.11.04

Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv)
Eruv1: Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Planning permission refused 24.02.1993.

Eruv2: Installation of street furniture (comprising groups of poles connected by thin high level wire) to complete the identification of the perimeter of a defined Eruv. Planning permission refused 27.10.1993.

Appeals against the refusal of Eruv1 and Eruv2 were heard at a Public Inquiry in December 1993. On 20.09.1994 the Secretary of State for the Environment allowed both appeals and granted planning permission subject to conditions.

Eruv 3 and 4: Erection of street furniture comprising groups of poles (usually 2)

between which is suspended at high level a wire to designate the perimeter of a nominated Eruv. Planning permission granted 08.01.1997 and 7.7.1998.

Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community. In May 2012 over 1300 residents and organisations were notified of the application by letter, notices were displayed at each of the proposed sites, and an advert was published in the local paper.

The following were included in the consultation;

- Access in Barnet
- Barnet Muslim Forum
- The Council of Christians and Jews
- Hindu Cultural Society
- Greek Orthodox Community
- RSPB London Office
- Natural England
- London Wildlife Trust
- London Wildlife Trust Barnet Group
- Environment Agency
- Metropolitan Police Service
- Transport for London
- Highways Agency
- Railtrack Property
- Railtrack PLC
- Network Rail – Infrastructure Protection
- Bittacy & Sanders Lane Residents Association
- Federation of Residents Associations in Barnet
- Partingdale Lane Residents Association
- Mill Hill Residents Association
- Mill Hill Preservation Society
- London Borough of Harrow

17 letters / emails have been received (including from the London Wildlife Trust, the Mill Hill Preservation Society, and the Mill Hill Residents Association) in which the objections set out below were raised (the number in brackets represents the number of occasions that particular, or very similar, objections were made). Objections with a similar theme have been grouped together. Site specific objections are also identified in the site appraisals.

APPEARANCE AND CHARACTER

- The Eruv will result in excessive street furniture and will have a significant visual impact (1)
- Undesirable visual effect of 6m high poles (1)
- Effect on the character of the neighbourhood (1)
- Would be a disfiguration of an otherwise mainly rural area (1)
- Under the rules above you are obliged to reject the application (1)
- Looking at photos of Eruvs on the internet and viewing them in other local

areas raises concern about what they can look like (1)

CONSERVATION AREA / GREEN BELT

- No objection to the Eruv as such but object to it passing through the Mill Hill Conservation Zone where it will cause unnecessary visual clutter to a lovely area (1)
- It is very disappointing that another route could not be found avoiding the Conservation Zone which has many important religious buildings, Grade II listed buildings, and open natural areas. Posts and wires draped near these buildings will not enhance their appearance (1)
- Much of the Eruv goes through a Conservation Area with planning restrictions. There are a number of historic buildings (some religious) and open natural features in this area which should be respected and visual distraction avoided (1)
- This is a Conservation Area with an Article 4 directive. Some of the sites will definitely detract from everyone's enjoyment of the Grade II Listed properties set in beautiful surroundings. The Mill Field, the Sheepwash Pond, St Pauls Church and many other historic assets form part of Mill Hill Village. Belmont School and Mill Hill School are Non-conformist Foundations. They cater for Christians, Catholics, Hindus, Moslems, Quakers and a number of other religious groups. It does not need to be defaced by chains and poles dangling around it causing serious racial affront. St Pauls Church and St Pauls Church of England School are a very important part of our history and community. Here local residents children attend school, parishioners worship at the church, and the churchyard contains beloved family members remains where we can mourn their passing in peaceful and quiet surroundings (1)
- Effect on the character of the neighbourhood appearance of the Conservation Area (1)
- The poles at sites 8, 9B, 9C & 9D are visually intrusive in the Conservation Area (and Green Belt) (1)
- The introduction of iron poles and chains will not enhance the view of Belmont School (1)
- We attempt to keep all signs at a minimum in Mill Hill Village as part of the conservation of it (1)
- There are very strict planning regulations for residents in the Conservation Zone (1)
- Sheepwash Pond with ducks is part of our village. It must remain undefiled by unnecessary religious symbols (1)

Mill Hill CAAC comments;

- Whilst much of the Eruv would be inconspicuous, the Committee had reservations about Poles at sites 9B, 9C, and 9D, where the Eruv would cross and re-cross The Ridgeway by the Sheepwash Pond and The Favell Building of Mill Hill School. Concerns about harm to birds and bats and the damaging environmental and visual impact of attachments to the road-crossing wires. A majority of the Committee expressed a wish that an alternative proposal would be made for this section of the Eruv.

EFFECT ON BIRDS & BATS

- I have read that the proposal involves unobtrusive kevlar wire of 0.3mm. If that is the case I must object because such a fine wire could be hazardous to birds and bats, and could even infringe legislation designed to protect vulnerable bat species. There are already many highly visible wires crossing Barnet streets and I see no reason why the eruv wires should not be of a similar gauge (1)
- Fine wires used alone and without flight detectors are likely to be highly dangerous to birds and bats flying into them. The wires can be rendered safer for flying animals (1)
- The evidence that easily visible wires cause huge numbers of casualties all over the world is supported by many scientific reports (six documents were attached to the London Wildlife Trust comments). The Eruv wire, almost invisibly placed at a height of 6 metres, is even more likely to cause terrible suffering and injuries to considerable numbers of birds and bats (1)
- Even though the proposal is no longer sited across the southern end of Sheepwash Pond, in their new position they will still present a hazard to flying birds attracted to the body of water and to bats foraging along the treeline on the south side of The Ridgeway and around the pond margins (1)

OTHER OBJECTIONS

- The proposal represents the interests of a tiny proportion of Barnet residents (1)
- It cannot be right for the majority of the population to feel discriminated against (1)
- The proposal appears to be supported by only a minority of Jewish people (1)
- Mill Hill is a multi-cultural society and there are only a small number of Orthodox Jews in the area (1)
- It is difficult to understand why this minority group should be granted permission to erect an Eruv which is considered to be an outdated custom which has no place in the 21st century Britain (1)
- Astonished that at a time of harmony between various churches and religious groups such unnecessary provocations are put forward by such a tiny percentage of the population of our Borough (1)
- The Mill Hill area, especially the Conservation Area, is one occupied by people of several faiths (1)
- The vast majority of the Jewish population do not subscribe to the orthodox law underlying this application. In particular they do not agree with the trend to attract orthodox religious people to the area as evidenced by the Etz Chaim Jewish Primary School (1)
- The proposal is unnecessary. Rarely see anyone wearing Orthodox Jewish clothing, nor is there a synagogue on The Ridgeway, so believe there is no need to create what looks like a ghetto here (1)

- It is not beneficial to the present inhabitants of the Mill Hill area, especially the Conservation Area (1)
- None of the minority religions should be able to separate fields etc, with their own boundaries, and in this case for a very small number of people (1)
- The use of 6m poles is a discriminatory and invasive eyesore which serves no

- purpose in a multicultural area in which all neighbours are currently free to push wheelchairs and prams under UK law (1)
- Do not understand why the good deed of taking a child to synagogue should require poles & wires to make it possible (1)
 - Fail to see the logic for having the Eruv along The Ridgeway, where there are 3 schools and a church, which is not a Jewish area. It would be more logical to run the Eruv down Hammers Lane, Wise Lane and Page Street (1)
 - Much of the land in this area belongs to Mill Hill Foundation, Brotherhood of Star Church, St Pauls Church, various Catholic buildings and schools, the Jehovah Witness complex, Quaker historic buildings, and Belmont Farm. Why is the Eruv chosen to run through this part of Mill Hill where there is no synagogue, and clearly low numbers of Orthodox Jewish people? (1)
 - I am Jewish as are many of the local residents and we value living in a multicultural neighbourhood. It is intrusive for anyone to impose their religious practices on others (1)
 - I am Jewish and a member of Mill Hill synagogue. The application should be declined (1)
 - The Jewish religious code spells out the Shabbat restrictions. If the faith feels these laws are outdated they should change the law rather than create areas where these activities are permitted (1)
 - Barnet has a number of applications for Eruvim each requiring the installation of leci, poles wires or fences. It would make more sense if there were collaboration among them to make a single, all-encompassing boundary and lessen the need for separate structures within the wider area, especially within the Conservation Area (1)
 - An alternative route could easily have been found to prevent visually despoiling the Conservation Area (1)
 - Anything near this Conservation Zone, if it must be here, should be as unobtrusive as possible using existing lamp posts and simple thin wire and allowing breaks in the Eruv as much as possible (1)
 - Is it too late to consider a radical re-think e.g. the M25 being considered the Eruv boundary, or the use of lines on the pavement, as apparently is the case in New York? (1)
 - The existing lamp posts should be used and linked with fishing wire as in the Manhattan Eruv, and in that Eruv there is allowance for gateways of up to 15 feet wide where there is no wire required (1)
 - The construction of poles and wire would be like a claiming of territory by one small component of the community and would be construed by others as an aggressive act (1)
 - Need to consider negative racial feeling that would be engendered by an Eruv in areas used by the population as a whole (1)
 - Any sectarian barrier is unwise (2)
 - Will provoke irritation and bad feeling among all those of other religious denominations who know that any barrier proposed by them would not be sanctioned (1)

- Likely that extreme elements in the communities would become pitted against each other and potentially disturb our peace (1)
- An Eruv creates explicit discrimination on the basis of religion. It is a signifier of a particular religious belief and as such it can incite vandalism and ultimately violence between religious groups into an otherwise peaceful and successful multicultural area (1)
- Would be severely unwise to impose such a display of a particular set of beliefs into an otherwise highly adjusted multicultural peaceful area (1)
- Will do nothing to promote harmony amongst all ethnic groups (1)
- Serious alarm regarding the issue of racial disharmony being engendered by this ridiculous proposal (1)
- The reaction of non Jewish and non-Orthodox Jewish occupiers could lead to highly undesirable repercussions disturbing the at present well balanced atmosphere (1)
- Whereas a more visible threat such as an ugly out of character building might attract more immediate opposition, something far more serious and insidious such as the current proposal is likely to go unnoticed by many in the community until the frustration of those who do not belong to the Orthodox Jewish Church leads inevitably to demographic changes over time and tensions between denominations that did not previously exist (1)
- Would put a visual stamp of religious extremism in an area in which several other religious bodies thrive (1)
- Understand that nationalist flags have been placed on Eruvs in other boroughs (1)
- Could disturb the present relaxed balance of various religions (1)
- The natural balance of all ethnic groups will be affected as the Eruv will encourage Orthodox Jews to move to the area (1)
- I object in every sense of the word to this ridiculous application, and the time, effort, and expense engendered by having to oppose it personally and if necessary legally (1)
- Danger of injury in case of collapse in high winds (1)

OTHER COMMENTS

- Once permission has been granted it cannot in practice be removed. To do so would be regarded as an infringement of religious belief (1)
- I assume you have consulted English Heritage, Mill Hill Ratepayers & Residents Association, Mill Hill Preservation Society, Mill Hill Historic Society, Mill Hill High Street Residents Association and all other interested bodies (1)
- The owners of one particular property state that they legally deny the Orthodox Jewish Community the rights to include their property and / or boundary walls being incorporated into / or being part of the Eruv boundary. They consider the Eruv has serious legal issues regarding private property as to its real intentions and usage, and that it would be a miss-use and abuse of planning regulations to erect poles and wire / fencing for the purposes of encasement of an area of land for a singular religion. They state the property

(and others) involved has serious Legal issues which come under the guidance of the Metropolitan Police for security of the property for reasons of a specific nature and that the whole area to include their road must be removed from the planning application. They advise failure to remove site 5 from this planning application would / could cause an incident that would make the London Borough of Barnet Council fully responsible and fully liable, to pay substantial damages and compensation to the private property owners and occupiers for loss of property through the granting of planning permission. The objector goes on to say that under the Equality Act 2010 the applicants themselves are good justifiable reasons for the rejection of the whole proposed planning application, in so using planning regulations to enforce a religious Law, that only applies to the Orthodox Jewish community only, who are a minority of the majority of people / residents living in the area to which this eruv boundary applies (1)

8 letters / emails (not including the stereotype letters referred to below) indicating support for the proposals have been received. The comments made are as follows (the number in brackets represents the number of occasions that particular, or very similar, comments were raised);

- I support the application (5)
- The ability of the Jewish Community to enjoy the Sabbath is important to the overall community and if these minor works allow this to happen this is to be supported by all right thinking members of the public (1)
- I am Jewish and this would be a huge benefit to myself, my family and to the whole Jewish Community. At the moment it is difficult for us to attend the synagogue on a Shabbat because we have a young child and we are not able to push him in the pram to synagogue. The Eruv would solve this problem (1)
- This is an application with a huge benefit to the Jewish community with no negative impact on the residents of Mill Hill (1)
- An Eruv is something that will have very little impact on the local community. Most people will be totally oblivious to its existence (1)
- It will be of great benefit to the Jewish residents who live within it (1)
- The works will be all but invisible and would not constitute either a hazard, loss of visual amenity, or a conservation area principle (2)
- The Eruv is very subtle and difficult to see and would not interfere with the look of the area (1)
- Generally speaking Eruv wires are pretty unobtrusive (1)
- The works will not have any effect on traffic, access or parking. The scale and appearance of the proposal and the impact on the surrounding area adjoining neighbours will be negligible, there will be no loss of light nor overlooking or loss of privacy, there will be no effect on nature conservation or loss of trees, no effect on a Conservation Area, no effect on a Listed Building, there will be no noise and disturbance resulting from its use and most importantly its use would be wholly appropriate for the area in view of the substantial number of people of the Jewish faith in the area (1)
- The Jewish community in Barnet is significant and I am sure the borough appreciates the diversity that the Jewish community brings to it (1)
- We think that giving permission for the Eruv would be an acknowledgement of

the Boroughs appreciation for all the Jewish community do for the Borough, but also, and perhaps more important it will show a sensitivity to the Jewish community for which the Eruv will be a help on Shabbat (1)

156 stereotype letters in support of the proposals which each contain 3 or more of the following paragraphs have also been received;

I would like to express my support for the planning application for the works required to complete the Mill Hill Eruv.

Following the submittal of the planning application for the works required to complete the Mill Hill Eruv I would like to express my support for these proposals.

As others will no doubt have impressed upon you, the proposed works will not affect the character or aesthetics of the area, nor constitute a hazard.

You will be aware that an Eruv has successfully been established in other neighbourhoods, for example Hampstead and Edgware, without there being any adverse effects on social cohesion of the residents of the Borough or elsewhere. Indeed to those who may argue that the establishment of an Eruv might have such an effect, it is right to point out that the more areas there are which are covered with an Eruv, the less likely it is that there will be concentrations of observant Jewish people.

The works as detailed in the planning application seem to be extremely minor and should be allowed even considering the conservation areas around some of these sites.

As a local resident these issues are important to me but the overriding need as demonstrated in this application and the care shown the (sic) minimise impact should be allowed to become primary in these areas.

As a resident in the area around where these works are detailed I believe they will not in any way interfere with my social amenity and only enhance the streetscape by allowing the community by allowing young families and the elderly to observe the Jewish Sabbath together with friends and family.

The ability of the Jewish Community to enjoy the Sabbath is important to the overall community and if these minor works allow this to happen this is to be supported by all right thinking members of the public.

An Eruv enhances the ability of observant Jewish people to enjoy the Sabbath without causing harm or inconvenience or cost to anyone else.

I very much hope that you will grant the application.

The Highways Agency and Harrow Council have stated that they have no objections, and the Environment Agency (Sustainable Places Team) have no comments. Any comments from Transport for London will be reported at the meeting.

As part of the consultation process consultees were invited to complete a questionnaire to provide information in respect of protected characteristics as defined in the Equality Act 2010 so that these factors could be taken into consideration when the LPA is determining the application. The first part of the questionnaire asked “Do you have any comments to make about the proposed Eruv?”

Of the 65 questionnaires returned 14 stated objections to the proposal, 41 stated support or no objection, 3 were unclear as to whether they were supporters or objectors, and 7 made no comments.

The comments made objecting to the proposal are set out below (the number in brackets represents the number of occasions that particular, or very similar, objections were raised). Objections with a similar theme have been grouped together.

- It is unnecessary. Only a small proportion of the Jewish community will derive any benefit from it (1)
- The scheme is disproportionate. The numbers adversely affected would be large in relation to those benefitted. The Orthodox community is small. It is therefore inappropriate for the area (1)
- It is inappropriate for a minority of persons to seek to impose their aspirations on the majority of Barnet people who have no interest or understanding of Eruv principles (1)
- Barnet Council appear to be favouring the Jewish minority over the wishes of the majority in the area (1)
- It is not required under the Equality Act because the constraint it would avoid applies not to Jews as a whole but only to a small section of Jews (1)
- The extensive nature of the Eruv will imply that Mill Hill is not a multi-cultural, multi-ethnic community but a Jewish one (1)
- The Eruv will have a detrimental effect on a multi-cultural area (1)
- All space should be for all communities. To allow the Jewish community to have exceptions goes against our multi-cultural society. No one community should be allowed any preferences in our public spaces on a permanent basis (1)
- Don't believe an Eruv is appropriate for the area. We live in a multi-cultural society (1)

- It is mildly offensive that public spaces should symbolically be incorporated within the curtilage of the homes of one community only (1)

- The construction of such a perimeter indicates a metaphysical containment zone. It implies the existence of a Jewish ghetto-type area (1)

- It risks damaging community relations (1)
- The Eruv structure would invite damage to the detriment of community relations and perhaps lead to damage to synagogues, Jewish schools, etc. (1)

- The project is divisive. It will encourage anti-semitism and is likely to arouse objections from other religious groups who occupy this area. This public feature may well inflame such antagonism (1)
- I am told by Jewish friends that the Eruv concept is divisive even within the Jewish community, and that not all Orthodox congregations recognise them, contending 1. that they are an improper device to evade rather than to observe the rules of the Sabbath, and 2. the size of the existing Eruv is already so great as to make its existence as a symbolic courtyard forming part of a home, or group of homes, impossible (1)
- I am told that Reform Jews tend to disapprove of them as creating symbolic ghettos, offensive to Jews and liable to promote anti-semitism, particularly because an Eruv attributes religious significance to boundary features which belong to non-Jews, and impose a cost of erection and maintenance upon the non-Jewish community; this can be significant because the slightest break in the continuity of the Eruv boundary invalidates it, so that it requires frequent inspection and upkeep (1)
- 6m high poles near historic structures such as the school, the pond and the war memorial will be very conspicuous (1)
- Strongly object to the Eruv especially on or around the War Memorial outside Mill Hill school on The Ridgeway (1)
- The effect on the Conservation Area would be negative and entirely avoidable (1)
- Will add to the already poor state of affairs by erecting Eruv poles in a Conservation Area (1)
- The sight of poles joined by wire at various public sites is unsightly and adds unnecessary street furniture (1)
- Street furniture should be kept to a minimum on grounds of amenity and cost (1)
- An unnecessary and obtrusive imposition on Mill Hill Village and would be totally out of character with its surroundings. Poles and wires are not in keeping with Mill Hills rural character, especially along the Partingdale Lane section of The Ridgeway (1)
- Erecting so many poles to “enclose” an area is inappropriate and affects the appearance, not only for people who live here, but also those driving through (1)
- I find it deplorable that our streetscapes are littered with inappropriate, badly designed, poorly sited and ill maintained signage. Some Local Authorities are taking steps to remove, resite, redesign or repair street signage so that it blends in with the local streetscape (1)
- The Eruv will impact badly on this area of natural beauty with its trees and wildlife (1)
- Concern about disturbance and danger resulting from the effect of bad weather and storms on the poles and wire should they be damaged (1)

- The Jewish community need to think about their true belief (1)
- The poles, wires, and fences have no place on Barnet's streets (1)
- It would not be right for the approval of similar applications in other areas to be taken as a precedent for approving the application (1)
- Strongly object to the imposition of poles and wire in any area of this country (1)
- Object strongly. It is a total nonsense (1)
- I am very much against the Eruv (1)
- Don't agree with it. It, or the school, should not be built (1)
- The owners of one particular property state that they legally deny the Orthodox Jewish Community the rights to include their property and / or boundary walls being incorporated into / or being part of the Eruv boundary. They consider the Eruv has serious legal issues regarding private property as to its real intentions and usage, and that it would be a miss-use and abuse of planning regulations to erect poles and wire / fencing for the purposes of encasement of an area of land for a singular religion. They state the property (and others) involved has serious Legal issues which come under the guidance of the Metropolitan Police for security of the property for reasons of a specific nature and that the whole area to include their road must be removed from the planning application. They advise failure to remove site 5 from this planning application would / could cause an incident that would make the London Borough of Barnet Council fully responsible and fully liable, to pay substantial damages and compensation to the private property owners and occupiers for loss of property through the granting of planning permission. The objector goes on to say that under the Equality Act 2010 the applicants themselves are good justifiable reasons for the rejection of the whole proposed planning application, in so using planning regulations to enforce a religious Law, that only applies to the Orthodox Jewish community only, who are a minority of the majority of people / residents living in the area to which this eruv boundary applies (1)
- Surely a less obtrusive means of identifying boundaries can be found (1)
- Why not have an Eruv around the whole of the UK (1)

The comments in the questionnaires indicating support or no objection are set out below (the number in brackets represents the number of occasions that particular, or very similar, comments were raised).

- I support the Eruv (17)
- I am happy for the proposed changes to go ahead (1)
- Happy to support as it doesn't hurt anyone (1)
- I am 100% in favour of this initiative & only question the delays in its building which are due to Council "Red Tape" (1)
- This is a great idea for those who would need and use an Eruv (1)

- Good idea (2)
- Great for community (1)
- No objection (12)
- No reason to object (2)
- I have no problem with it as it stands (1)
- I cannot see the proposed Eruv having any detrimental effects whatsoever (1)

- It improves the quality of life of people (1)
- It will be beneficial to a significant number of Barnet residents (1)
- It will make a significant positive difference to many Borough residents without detriment to others (1)
- The Eruv would benefit many Jewish families in Mill Hill (1)
- Something that not many people will notice but will greatly benefit and help religious Jewish people (1)
- Would only affect Orthodox Jewish people and give them more freedom of movement (1)
- The Eruv is very important for any Orthodox Jewish families to be able to go to synagogue (1)
- The Eruv is essential for Orthodox Jewish families with young children as it enables them to go to synagogue every Saturday (1)
- I will not use it myself but it will help a large number of people in Mill Hill whilst neither inconveniencing or harming anyone else (1)
- It will link the Mill Hill & Edgware Eruvs making it easier for people to get between the areas on the Sabbath with pushchairs (1)
- We have young grandchildren (the younger one requires a pushchair) and we would like to take them to Mill Hill Synagogue. We know of other families with a similar problem (1)
- It will enable our friends and family to use pushchairs to attend synagogue and communal & social activities, and fully enjoy theirs and our Sabbath rest day (1)
- I support the Eruv because it allows orthodox Jews to be able to take young children with them on the Sabbath. Without the Eruv pushchairs and prams are prohibited. It keeps families together (1)
- It has negligible impact on the residents of Barnet but a major positive impact on part of the community (1)
- The Eruv will enable me and my family to abide fully with religious requirements (1)
- I believe it will have a beneficial effect on the whole spectrum of local individuals and communities of whatever designation or ethos, and contribute to high moral standards in the whole population of the area (1)
- An excellent addition to local amenities / facilities / resources to support the local community (1)
- Given the approval for planning of similar Eruvs by Boroughs of Brent and Harrow how wonderful it would be for the Borough of Barnet to show the same degree of religious tolerance, fostering good relations and meeting the needs and rights of those with the Jewish community, particularly the disabled and young parents with children for whom such a facility will have an immeasurable benefit. All this for erecting some poles that will not be noticeable against the existing backdrop of street furniture such as street

lights, sign posts, etc. for which no planning application is ever refused (1)

- Experience from other Eruv communities has been positive in fostering good communal spirit and improving neighbourhood security (1)
- It is good for inter faith relations and a cohesive community (1)
- A wonderful concept for our multi-faith community – long overdue (1)
- We should support all community projects where the negative impact is negligible (1)
- As a diverse Borough we should be tolerant to all ethnic minorities and allow an Eruv (1)
- Our community is inconvenienced by not having an Eruv and there is no reason why it should not be completed (1)
- The poles & wire are non-intrusive (1)
- The poles would not affect the general public who would probably not be aware of it (1)
- I do not think that this Eruv would affect the general public in any way as they would not even notice the “poles” (1)
- It is of minimal intrusion to the average person who would not be aware of it (1)
- It is not to the detriment of the environment & visually will not affect the roads concerned (1)
- I see no reason to object to the erection of an Eruv in Mill Hill as long as it is unobtrusive and does not spoil any existing views. Hopefully it will be erected in such a way that people will hardly notice it is there (1)
- The Edgware Eruv is not noticed by residents. It becomes part of the scenery (1)
- Has no material effect on non-Jewish or Jewish non-observant residents (1)
- It clearly will have no real adverse impact on residents or visitors (1)
- It will make no difference to those who are disinterested (1)
- I really can't understand how the Eruv will affect anyone in a negative way. I know there are hundreds of like arrangements in place across the world and one knows of no detrimental effect on the local communities. Probably safe to say that 99% of those populations don't know of the existence of their Eruv. Seems reasonable to assume the same would be so here in Barnet except that so many people are being alerted to the fact. As a Jew I know the Eruv here wouldn't affect me one way or the other. Anyone objecting to the proposals probably has a “hidden agenda” that would be contra to peace and harmony in the wider community (1)
- My decision to support the Eruv is not based on my religion but rather to counter the undoubted wave of anti-semitic replies you will receive. Having two kids at a Jewish primary school I know the level of anti-Jewish feeling that exists. There is no reason to oppose this (1)

- Many of the objections are spurious (1)
- The implementation of the Eruv should be expedited (1)
- Look forward to its establishment in full at the earliest opportunity (1)
- The Edgware Eruv doesn't reach far enough into Mill Hill (1)
- There are multiple Eruvs active throughout London (1)
- Other boroughs have successful Eruv projects (1)

The comments that could be said to be neither in support nor objection were;

- The Eruv does not affect me personally but this area is particularly attractive and I should be upset if the poles and wire detracted from the personality of the village. There are already too many notices. Apart from this caveat the Eruv does nobody any harm
- I wish to know where the 6m poles will be placed (site 11). I do not want them adjacent to the property as it may impinge on our security if they can be climbed
- Presumably the Eruv is broken anyway every time we open our gate
- Perhaps it would be possible for the Council to provide a map rather than trying to describe the boundary in words

One respondent stated "None" to the question "Do you have any comments to make about the proposed Eruv?" and seven of the questionnaires returned left this part blank.

Internal / Other Consultations:

Traffic and Development Section, Highways Group:

All locations are considered satisfactory on highway grounds subject to appropriate consents in place from appropriate authorities such as Highways Agency; Transport for London; Local Highways Authority; Network Rail and private land owners.

It should be noted that several locations within the adopted highway will consequently require Highway Licences under the Highways Act 1980 in addition to planning permission. The applicant is advised that any structures to be sited within or project over adopted highway will require licences under the Highways Act in addition to planning permission. The exact location and details of these structures will be agreed as part of the licensing process. Please note that licenses under the Highways Act will be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner. The applicant must obtain the necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other

consent(s) under relevant highway and traffic legislations prior to construction work commence on site.

The applicant would be fully responsible to maintain the proposed Eruv Poles, wire, fencing and leci to be placed on the public highway at all times. The applicant would be liable for the cost of rectification work to be undertaken to rectify damages caused to the public highway resulting from construction and maintenance of the proposed Eruv structures. The applicant would be fully liable for claims and damages arising from third parties associated with the proposed Eruv poles, wire and Leci to be erected on the public highway. Eruv sites on the public highway be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commence on site, and should be ready for inspection upon demand by London Borough of Barnet at any time. The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

No construction and maintenance work to the Eruv structures shall be undertaken on the public highway without prior consent from Local Highways Authority; Highways Agency; Transport for London; Network Rail and private land owners.

2. PLANNING APPRAISAL

The Proposal

Amongst the restrictions accepted by Orthodox Jews are the prohibitions of carrying objects from public space to a private space and vice versa, and carrying in a private street, on the Sabbath.

It means that disabled members, and parents of very young children who cannot walk, within the Orthodox Jewish community are restricted to their homes on the Sabbath.

The purpose of an Eruv, which is a complete boundary around a town or district, is to integrate a number of private and public properties into one larger combined space. Consequently, Jewish individuals within the Eruv are then permitted to move objects across, what was before the construction of the Eruv, a public domain-private boundary.

There are two established Eruvs in the borough - the Edgware Eruv and the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv). The proposed Mill Hill Eruv bridges between the existing Eruvs.

The extent of the Eruv is formed by utilising continuous local features such as fences or walls alongside roads, railways or terraced buildings. However where continuity is not possible due to breaks in the boundary, e.g. roads, then the breach must be integrated by the erection of, for example, a notional "gateway" formed by poles and wire.

The boundary itself does not require planning permission however the development

proposed in this application would complete the boundary where there are any gaps.

The proposal involves development (poles & “wire”, leci, and/or fencing) at 23 sites of which 8 are within the Mill Hill Conservation Area.

The applicant has provided the following information;

WHAT IS AN ERUV?

An Eruv is a totally continuous boundary without any break and is at least 1m tall.

Gaps where these are found are required to be closed. Often this is done with the essence of a gateway which is constructed of two poles and a wire lintel placed over the top of these poles. This therefore would make the doorposts of a gate and a lintel over the top. There is no requirement for any doors or gates to be fitted or any special extra works to highlight that this is a feature of the eruv.

In some locations where there is an available bridge or other existing structure it is possible to utilise a leci. This is a panel which could be as thin as a sheet where the outermost face would be at least 1m tall and be able to “see” the deck of the bridge above it. If the bridge has any lip or bulge before the deck the Leci is required to have a thickness to allow the face to directly “see” the bridge deck past the lip. This then makes the leci as the door post and the bridge deck as a lintel for the eruv. This gateway even though the parts are not connected therefore meets the needs to make an eruv.

Occasionally there may be fence repairs or other connection to allow these “gateways” to be included into the streetscape and blend into the built environment. In several cases these eruv poles and other works have been used to mount traffic and other signs. Subject to structural loadings this would not present any major issues for an eruv.

THE MILL HILL ERUV PROPOSAL

This proposal and planning application is for the completion of a set of street works necessary to allow for the facility of an eruv for the Jewish Community.

The proposed eruv would join and use the boundary at its Southern / Eastern end of the existing NW London Eruv and at the Northern / Western side the existing Edgware Eruv.

In total over 90% of the boundary of the eruv utilises existing boundaries and features. Only where there is a gap due to roads etc. is there any requirement to complete works.

There are a total of 23 sites where works would take place.

Great care has been taken to use a simple design as possible yet meet all the various differing requirements of the eruv from a Jewish, engineering and environmental perspective.

In order to make a totally continuous boundary all works are placed extremely carefully. A great deal of effort has been made to search for existing structures and ensure the works can be installed with minimal disturbance to residents and no on-going inconvenience.

Works are planned and placed towards the back of the pavement (away from the road). This would then allow the linkage of the eruv to utilise pre-existing boundaries. This would therefore require any pole or other works to be within 20cm of an existing boundary.

It is not unknown for this to be impractical or impossible due to underground utilities, tree roots or other issues and if the gap is only slightly larger than this a sleeve or small extension could be added to the base of the pole, or the pole re-sited to another location further along the road.

HIGHWAYS PLACEMENT

The design and sizing of the poles is based on a number of requirements.

Any wire or other feature crossing the public highway must be at least 5.5m above the surface of the road. Therefore to allow some small amount of slack and ensure there if there is a mismatch in the height of the pavement and the road surface a height of pole of 6m has been selected.

However a design case where the wire would be struck by an over-height vehicle or an extremely high wind together has been used to determine the materials and size of poles. The material selected is based on the break strength of the wire to be used (nylon or Kevlar) and its ability to be welded cleanly and without sharp edges. These calculations lead to a diameter of 76mm and a wall thickness of 5mm being the optimum size.

The design of the foundation has been completed in accordance with the Highways Agency guidelines. This allows for the excavation to be completed from above and quickly by hand. There is no connection underground for any poles.

Experience with other eruvs has shown that it is possible to place the poles and their foundations extremely close to existing walls and not cause any disturbance to surrounding tree roots or utilities.

The poles are able to be carried by hand and installed without the need for cranes and other mechanical aids. This therefore will mean on installation any traffic and other disturbance will be limited as much as possible.

FOOTPATH PLACEMENT

Where a pole and wire are only required to be placed over a footpath a slightly smaller 4m pole may be used. In this case a primary concern is to ensure that the wire is not subject to vandalism and is kept out of the way of pedestrians.

MATERIALS AND COLOUR

In selecting a wire material it has been key to try and minimise the diameter and

visual effect. The diameter of less than ½ mm is equivalent to the visibility of a car from 8km distance. The materials have been selected to minimise any hygroscopic (water absorption) which in an outdoor environment would subject the fibres to damage due to freeze thaw, water and UV light. Yet the materials would need to be weak enough to snap should the wire be struck by any passing over-height vehicle.

It is proposed that the poles to be used will be fabricated from S235 steel, zinc plated and painted. Colour of Green (Barnet) has been selected. All poles will be installed in a ready full finished state however if poles are scratched or if required while in use these may be repainted to ensure consistent high cosmetic standards.

3M POLE GATEWAYS

Where only foot traffic is possible and there is no possibility of vehicles requiring access a lower impact design more sensitive to the environment is proposed. At these sites a single stake will be used as a foundation for the pole (this will have negligible impact on surrounding trees and other vegetation).

As these sites are densely covered by trees and large shrubs a wire would be prone to constant damage and would fail regularly. Therefore it is proposed to use a thicker (1-3mm) “tie bar” which would be stiffer and more resistant to damage due to the movement of branches.

FENCING

Fencing of several types will be used as part of the proposed works. The generic type will be simple chain link mesh. (This will use black coloured wire mesh and black steel supports and angle irons.)

CATTLE MESH FENCING

Where the site is sensitive an open mesh (stock) fencing will be used. This can be attached to poles at 2-3m intervals. Where required the fencing will be threaded through trees rather than damage any trees in its construction and maintenance. Due to the open nature of this fencing it will be absorbed in the local planting and fauna within a very short period and cease to be noticeable within a matter of months. This will be subject to regular inspection and appropriate repair as required to ensure the continuity of the eruv.

FENCE REINFORCEMENTS

At certain locations there is already fencing that while structurally sound does not meet the needs of the eruv due to the separation of the bar of the fence for example. In these locations it is proposed to add cattle mesh over the existing fence. This has been completed as part of the Stanmore Eruv and has proven to blend in quickly with the existing environment.

ATTACHED LECIS

These panels will be attached or bonded to existing bridge structures and will be constructed from sheet metal (mild steel), zinc plated and painted or powder coated to a grey colour. Where there is depth to the items on installation these will be filled with expanding foam and capped to improve dimension stability and resist damage due to vandalism.

At one location inside the subway under the A1 in order to make the leci as inconspicuous as possible we have chosen to tile the leci to match the existing side of the subway entrance ramp.

FREE STANDING LECIS

These are of welded construction similar to poles and will be coloured black to match existing street furniture. In addition to a concrete foundation these will; be back filled with concrete on installation to reduce the chances of vandalism and improve strength.

ENVIRONMENTAL

In all cases for all works strenuous efforts have been made to try and avoid any possible impact on trees. A detailed arboricultural assessment has been made as part of this application.

In a vast majority there are no tree interactions except during installation where the normal working in the vicinity of the tree will be applicable.

In some areas there is a possibility of some interaction with the root protection area and some trimming of branches to ensure that the wire is able to not contact any tree branches. This is all managed as part of the tree managed programme detailed in the tree and Detailed Arboricultural Method Statement reports.

All other materials and works are in line with current street works practices and present no hazard to installation contractors, members of the public and any other contractor working in the street scene once these works are completed.

Concerns were raised as part of the original application in 2010. However as stated by the chair of the planning meeting in July 2010, "to date there have been no incident of dead birds, bats or any other wildlife at the foot of any eruv poles caused by either the poles or wires." Therefore the Mill Hill Eruv committee hope that for this and any further other eruv applications these issues can be discounted.

IMPACT ON THE GENERAL PUBLIC

Since the majority of the Eruv's perimeter is made up of pre-existing boundary features (terraced houses, fencing etc.), the Mill Hill Eruv should have negligible, if any, impact on the broader community. In the few cases where poles must be erected, they will be discrete and unobtrusive enough to be almost invisible, and, as has been shown by other Eruvs in London and elsewhere, they go un-noticed by pedestrians and motorists. On the contrary, the community's acceptance of the Eruv proposals to date is a fine example of the multi-cultural harmony enjoyed in Barnet.

Concerns that have been raised so far are the risks associated with running wires over main roads in which tall vehicles may pass. The pole height at which any wires will be attached have been selected to be above a majority of other items crossing the highway (for example footbridges) therefore the possibility of coming into conflict with traffic is significantly reduced. But however nothing in life is certain and the design of the pole and wire has been selected to allow the wire to snap if required and so not impede the traffic. Any wire break will be identified during their regular inspection during the week and repaired prior to the next Sabbath to allow the Eruv

to be used the following week.

In addition, the Eruv will be another positive feature of the community serviced by orthodox synagogues and Jewish schools and other services.

PROTECTION OF THE PUBLIC

This is a key issue and the design of all installation has been either in line or exceed current requirements. However in the extremely unlikely event of any incident or injury the eruv will be maintaining public liability insurance of at least £10m.

To date there has been no example of any claim against any eruv for public liability in the UK.

CONSULTATIONS

To date the eruv committee and its consultants have worked closely with the Highways departments in Barnet, TFL and Highways Agency. In addition discussion has been completed with Network Rail Asset Management.

Following the granting of planning permission a series of special licences will be required to permit these works to be commenced.

In addition a full campaign of public consultation has been completed and is on-going within the greater community.

PROJECT FINANCES AND MAINTENANCE

The cost of the Eruv, as well as its annual maintenance, will be borne entirely by the Jewish community and the Mill Hill Eruv Committee has been set up for this purpose.

INSPECTION AND MAINTENANCE

Maintenance and upkeep of all these works and the insurance will be the responsibility of the Mill Hill Eruv Committee. The erection and maintenance of the eruv boundary will be funded by the committee and will not provide any burden on public finances.

Weekly inspections will be carried out of the route to ascertain the integrity of the Eruv and to identify any breakages that need fixing.

The community will be informed via a dedicated website, text message and email subscriptions.

In the submitted "Access Statement" the applicant has advised;

Background

Among the restrictions accepted by orthodox Jews are the prohibitions of carrying objects from public space to a private space and vice versa, and the carrying in public. This often means both the very young and the elderly in the community by not being able to walk unassisted tend to be housebound for the Sabbath (as they cannot leave their homes without transgressing some of the restrictions of the Sabbath).

This means;

They cannot participate in many social and communal occasions.

They are unable to enjoy hospitality amongst their friends and family on the one day of the week when this is most common

The provision of an eruv would allow these members of the community to fully enjoy their friends and their religious observances together. On Jewish festivals as against the Sabbath when carrying is permitted synagogues and other communal facilities are thronged with pushchairs and babies enjoying the opportunity to be with their friends and families. Once the eruv is in operation this will be possible on each and every Saturday.

Design for Access

In developing the route and scope of the eruv where possible we have been guided by the Jewish Religious advisors and the need to minimise any street works as much as possible. This has been achieved by using where possible existing street furniture, fencing and built infrastructure. It is only where there is no possible alternative that the use of poles and wire to cross roads and junctions have these been utilised.

Installation Poles

All works will be completed by approved Highways licensed contractors.

Experience has shown that any given pole or leci is able to be installed within a normal work day and no excavations will be left uncovered or open overnight.

No mechanical excavation is required and all digging is completed by hand.

All works would normally be completed during the working day and any disruption to residents will be only momentary.

Once completed and before the end of the day all sites will be restored and the surface reinstated to match the "as found" condition (Paving slab, grass, stone, gravel or tarmac).

6m poles and wire

In the design of these the poles have been placed towards the rear of the pavement in order not to block the pavement and so allow unrestricted access to pushchairs, buggies, pedestrians and those with any disability. These are a thin pole (less than 100mm diameter) and identical to those used for the mounting of street signs or the upper parts of lamp posts.

The wire at 6m height will be both invisible and inaccessible from ground level and will therefore not be any hazard to any pedestrians or other road users.

While the maintenance of these wires will be the responsibility of the Eruv committee who will ensure that these are checked during the week and repaired in time for the start of their Jewish Sabbath on Friday evening. Therefore a cherry picker is available which can access the tops of the poles from the road surface.

3 & 4m Poles and Wire

These poles will be placed where only foot traffic is expected. The placement of these poles will be at the very extremities of any footpaths and allow full unhindered access to pedestrians, pushchairs and disabled motorised vehicles.

No ground disturbance is expected following installation.

All maintenance, inspections and repairs where required will be completed by the

contractors to the eruv committee.

Therefore the footpath or pavement is not obstructed by these works.

The wire being placed at a height of 3 or 4m will not form any danger to pedestrians.

Installation Attached Lecis

These are panels attached under bridges etc

No ground excavation is required

All attachments will be in accordance with licenses to be agreed with Network Rail and other bridge owners.

All panels can be removed as required to facilitate any bridge inspections.

Attached Panel Lecis Under Bridges

These are panels attached to existing bridges and other structures where required for the purposes of Eruv

These are only sheet metal, less than 5mm thick and so make no changes to the width of pavement or any other access.

In all cases the pavement width remains over the required 1.85m wide.

Wire

The applicant has indicated that the "wire" will either be a nylon (thickness 0.5-0.7mm) or Kevlar (thickness 0.33-0.6mm) industrial sewing thread.

An Arboricultural Implications Assessment which has been submitted with the current application (although prepared to support the previous application) indicates that minor tree pruning will be required at some of the sites.

The proposal at each of the sites is described and appraised below.

Site 1: Under the M1 Bridge Ellesmere Avenue / Westmere Drive

This site was included in the proposals considered under planning application ref. H/01834/10. Four leci panels (colour grey) are proposed (2 more than previously) to be mounted under the bridge. The leci are 1.1m tall, 20cm wide, and 1.2 mm thick.

No site specific comments received.

Officer comments:

- The leci will be small additions which will have no adverse impact on the appearance of the bridge and streetscene.

Site 2: Fairway Court, The Fairway

This site was included in the proposals considered under planning application ref. H/01834/10, however 2 of the 4 proposed 6m poles are to be sited in different positions.

Fairway Court is a flatted development arranged as 3 blocks around a green. The 2 blocks sited at right angles to the roadway are 2 storeys in height, whilst the facing

block to the rear of the green is 3 storeys in height. Four 6m high poles (colour green) are proposed with wire between. On the opposite side of the road the 2 storey buildings each contain four flats. One pole would be sited on the grass verge adjoining the south garage block, one sited at the back edge of pavement to the front of 10-16 The Fairway, one sited at the back edge of pavement to the south-east of 19/20 Fairway Court, and one at the back edge of pavement close to the south corner of Fairway Nursery.

Site specific comments received:

One reply from a local resident;

- Planning permission should not be given. We already have 2 huge telegraph poles with 20 overhead lines to Fairway Court. 4 further poles and wire would be too much on this space.
- People park their cars on the pavement, particularly at arrival time for the school and when mothers meet their children from school after 3pm.

Mill Hill Preservation Society;

- More posts and wires will be a visual intrusion in an already cluttered area.

Officer comments:

- The main aspect of Fairway Court is towards the green. The entrances to 2 flats are sited on the flank elevations of the blocks facing the roadway. No windows are sited on these elevations. Whilst visible from Fairway Court flats and flats opposite, the poles would be no more obtrusive than the existing lamp posts, telegraph poles or signage poles in the Fairway.
- Existing lamp posts and telegraph poles / wires do not cause significant harm to the street scene. It is considered that the introduction of 4 additional poles would not harm the street scene or create undue clutter.
- The parking of cars on the pavement is not relevant to the consideration of the planning application.

Site 3: Across Barnet Way (A1) and Outside 86 Barnet Way

This site was included in the proposals considered under planning application ref. H/01834/10. The four 6m poles are in a similar position, the two 4m poles and the leci are additions.

One 6m pole would be sited to the west side of the northbound carriageway close to the entrance to the pedestrian underpass, one 6m pole would be sited within the central reservation, one 6m pole would be to the east side of the southbound carriageway close to the entrance to the pedestrian underpass, and one 6m pole would be sited to the back edge of pavement adjacent to the flank boundary fence of 86 Barnet Way. The poles (colour green) would be connected by wire.

The pole adjacent to the flank boundary of 86 Barnet Way (which has a garage located between the house and the side boundary) would be sited to avoid being directly in line with windows in the flank elevation of the house.

2 leci panels (colour grey) would be attached to both sides of the central reservation fence under the Eruv wire and 2 panel leci (tiled to match the underpass tiles) would

be attached to the side of the pedestrian underpass close to the entrance. Two 4m poles (colour green) connected by wire would be sited 36m north of the 6m pole on the west side of the carriageway to either side of the footpath.

Site specific comments received:

Mill Hill Preservation Society;

- The installation will be significant and being near the golf course will be a likely cause of damage to birds and bats
- 6 posts with a wire over the A1 will be an unacceptable visual intrusion.

Officer comments:

- No demonstrable evidence has been submitted to substantiate the assertion that the development would represent a danger to birds and bats
- In the context of existing street furniture along this part of the A1 the proposed poles would not be unduly noticeable or visually harmful to the streetscene. The leci are unlikely to be noticed.

Site 4: Courtland Primary School and between 42 and 44 Hankins Lane

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

Two 6m poles (colour green) connected by wire are proposed. One 6m pole would be sited on the landscaped strip between the existing vehicular and pedestrian accesses to the school, and the other would be sited close to the low front wall near the boundary between no's 42 and 44 Hankins Lane.

Site specific comments received:

Mill Hill Preservation Society;

- More posts and wires will be a visual intrusion in an already cluttered area.

Officer comments:

- Whilst the poles would be visible from the front windows of the nearby properties, in light of existing lamp posts and other street furniture in the immediate locale, this does not amount to a compelling planning objection.
- It is considered that the introduction of 2 additional poles would not harm the street scene or create undue clutter.

Site 5: Top of Bedford Road adjacent to Moat Mount Open Space

This site was included in the proposals considered under planning application ref. H/01834/10.

1.2m tall black mesh chain link fencing with black verticals and steel angle work is proposed for a length of 15.55m outside the boundary of Moat Mount Open Space at the north end of Bedford Road. The pedestrian entrance to Moat Mount would not be altered by the proposal.

Site specific comments received:

- Although not raising any specific comments about the proposed fencing the

owners of a property in Bedford Road advise that failure to remove site 5 from this planning application would / could cause an incident that would make the London Borough of Barnet Council fully responsible and fully liable, to pay substantial damages and compensation to the private property owners and occupiers for loss of property through the granting of planning permission.

Officer comments:

- It is considered that the proposed fencing would not detract from the street scene or the openness of the adjacent Green Belt.

Sites 7, 8, 9B, 9C, 9D, 10, 11, and part of 12

These sites fall within the Mill Hill Conservation Area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid, in the exercise of planning functions, to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It has been held that preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves the character and appearance unharmed.

Conservation Area comments received:

- No objection to the Eruv as such but object to it passing through the Mill Hill Conservation Zone where it will cause unnecessary visual clutter to a lovely area (1)
- It is very disappointing that another route could not be found avoiding the Conservation Zone which has many important religious buildings, Grade II listed buildings, and open natural areas. Posts and wires draped near these buildings will not enhance their appearance (1)
- Much of the Eruv goes through a Conservation Area with planning restrictions. There are a number of historic buildings (some religious) and open natural features in this area which should be respected and visual distraction avoided (1)
- This is a Conservation Area with an Article 4 directive. Some of the sites will definitely detract from everyone's enjoyment of the Grade II Listed properties set in beautiful surroundings. The Mill Field, the Sheepwash Pond, St Pauls Church and many other historic assets form part of Mill Hill Village. Belmont School and Mill Hill School are Non-conformist Foundations. They cater for Christians, Catholics, Hindus, Moslems, Quakers and a number of other religious groups. It does not need to be defaced by chains and poles dangling around it causing serious racial affront. St Pauls Church and St Pauls Church of England School are a very important part of our history and community. Here local residents children attend school, parishioners worship at the church, and the churchyard contains beloved family members remains where we can mourn their passing in peaceful and quiet surroundings (1)
- Effect on the character of the neighbourhood appearance of the Conservation Area (1)
- The poles at sites 8, 9B, 9C & 9D are visually intrusive in the Conservation Area (and Green Belt) (1)
- The introduction of iron poles and chains will not enhance the view of Belmont

- School (1)
- We attempt to keep all signs at a minimum in Mill Hill Village as part of the conservation of it (1)
- There are very strict planning regulations for residents in the Conservation Zone (1)
- Sheepwash Pond with ducks is part of our village. It must remain undefiled by unnecessary religious symbols (1)
- 6m high poles near historic structures such as the school, the pond and the war memorial will be very conspicuous (1)
- Strongly object to the Eruv especially on or around the War Memorial outside Mill Hill school on The Ridgeway (1)
- The effect on the Conservation Area would be negative and entirely avoidable (1)
- Will add to the already poor state of affairs by erecting Eruv poles in a Conservation Area (1)

Mill Hill Preservation Society:

- Reiterate their view that the poles are visually intrusive in the Conservation Area.

Officer comments:

- It is acknowledged that the introduction of poles and wire, and fencing, would result in visual changes in the Conservation Area and whilst the proposal would not positively preserve or enhance the area, it is considered that the proposal would not have a materially harmful effect on the character and appearance of the area.

The sites in the Conservation Area are addressed in the individual appraisals below.

Site 7: Highwood Ash Highwood Hill, and between York Lodge and Rafflewood, Highwood Hill

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

The site is partly within the Green Belt. Highwood Ash, the property adjacent to the east pole, is Grade II Listed.

Two 6m high poles (colour green) are proposed. One would be sited on the boundary between York Lodge and Rafflewood whilst the pole opposite would abut the timber fence enclosing the flank boundary of Highwood Ash, fronting Highwood Hill.

Site specific comments received:

Mill Hill Preservation Society;

- Poles and wire will be unsightly and add to the unacceptable street clutter that already proliferates in this sensitive area.
- Tree pruning is required which we believe is unacceptable.

Officer comments:

- The introduction of 2 poles at this location, close to a traffic light controlled junction, would not detract from the street scene and would leave the character and appearance of the Conservation Area unharmed. Further the siting of a 6m pole on the highway, adjoining the boundary to Highwood Ash, would not detract from the setting or appearance of this Grade II Listed Building.
- It is considered that the minor pruning of 2 trees would not cause significant harm to the appearance of the trees or the environment in this location.
- With regard to the impact on the Green Belt, it is considered that the introduction of 2 poles, within the context of the existing street furniture, would not detract from either the openness or visual amenity of this part of the Green Belt.

Site 8 Highwood Hill Cottage, Highwood Hill

This site is the equivalent of Site 20 in the proposals under application ref. H/01834/10. In that scheme it was proposed to place within the existing hedge small wooden poles connected with wire to promote hedge growth and enable the hedge to be suitable for Eruv purposes. The top of the wooden poles were to be a minimum of 50mm below the top of the existing hedge.

The current proposal (a revision for fencing originally submitted) is to erect three 4m high poles (colour green) connected by wire sited between the existing hedge that runs to the west of Highwood Hill Cottage and the highway kerb. The poles would be about 33.2m apart.

Site specific comments received:

- An objection was originally made on grounds that the proposed fencing would obstruct the maintenance of the hedge however this objection has been withdrawn since the proposal was revised.

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area

Officer comments:

- It is considered that the three 4m poles and wire would not detract from the street scene and would leave the character and appearance of the Conservation Area unharmed.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.

Site 9B: The Ridgeway – Sheepwash Pond / War Memorial

Site 9C: The Ridgeway – outside Bicentennial Building, Mill Hill School and opposite

Site 9D: The Ridgeway – entrance to Mill Hill School and Headmaster's House

These 3 sites, which are within the Green Belt, replace the proposals in application ref. H/01834/10 for site 9: Sheepwash Pond and St Paul's Church, The Ridgeway.

At **site 9B** it is proposed to erect one 6m pole (colour green) to the north side of the access to Belmont Farm on a landscaped verge adjacent to an existing fence close to an existing bus stop and shelter. The pole would be connected by wire to a second 6m pole (colour green) sited directly south on the opposite side of The Ridgeway just off the footpath in front of an existing hedge some 15m to the north-west of the war memorial which is a Statutorily Listed Building. A 1.2m high black chain link fence is then proposed for a length of about 15m from the pole behind the existing hedge to the south-west side of the war memorial.

Site specific comments received:

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area
- Even though the poles are no longer sited across the southern edge of Sheepwash Pond, in their new position they will still present a hazard to flying birds attracted to the body of water and to bats foraging along the tree line on the southern side of The Ridgeway and around the pond margins.

Officer comments:

- This part of The Ridgeway has a relatively open aspect however there are existing street lighting columns and other street furniture. Although the poles would be in the vicinity of Sheepwash Pond and the War Memorial it is considered that they would not harm the streetscene or the character and appearance of the Conservation Area.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.
- No specific evidence has been submitted to substantiate the assertion that the development would represent a danger to birds or bats.

At **site 9C** one 6m pole (colour green) is proposed at the back edge of the pavement on the south-west side of The Ridgeway opposite the footpath to Totteridge. The pole would be connected by wire to a second 6m pole (colour green) sited at the back edge of the footpath on the other side of the road adjacent to the front boundary of "Cleveland" a detached house set back from the highway.

Site specific comments received:

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area

Officer comments:

- There are existing street lighting columns and other street furniture in this part of The Ridgeway. It is considered that the two proposed poles would not harm the streetscene or the character and appearance of the Conservation Area.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.

At **site 9D** one 6m pole (colour green) would be located at the vehicle exit from Mill Hill School adjacent to a low wall and railings and hedge. The pole would be connected by wire to a second 6m pole (colour green) on the opposite side of the road at the back edge of pavement adjacent to a hedge along the front boundary of "The Headmasters House".

Site specific comments received:

Mill Hill Preservation Society;

- The poles are visually intrusive in the Green Belt and Conservation Area

Officer comments:

- There are existing street lighting columns and other street furniture in this part of The Ridgeway. It is considered that the two proposed poles would not harm the streetscene or the character and appearance of the Conservation Area.
- The proposal is considered to be small scale and would not harm the established character and openness of the Green Belt.

Site 10: St Vincent's Lane close to the junction with The Ridgeway

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

This location is within the Green Belt.

The junction of St Vincent's Lane with The Ridgeway has a cluster of street signage, safety railings and a telegraph pole. Whilst the proposed 6m pole (colour green) on the east side of the road would be close to the telegraph pole and 'heritage' lamp post, thus drawing attention to it, it is considered that the introduction of a slim line pole, with no protrusions, other than the wire across the top, would leave the character and appearance of the Conservation Area unharmed. The proposed 6m pole (colour green) to the west side would abut the boundary to the former St Vincent School site, for which planning permission has been granted for, inter alia, the conversion of the school buildings to residential use and new houses to the rear of the site.

Site specific comments received:

- At least one and possibly both poles are to be erected on land in private ownership. The proposal has been submitted without notice, consultation or agreement. The poles would be visually intrusive and adversely affect amenity of neighbouring property.

Mill Hill Preservation Society;

- posts will be a visual intrusion and will look incongruous in the street scene
- posts will be additional clutter in an area that could do with less
- previously stated danger to birds and bats
- posts will spoil the look of the entrance to St Vincent's Lane

Officer comments:

- The pole on the east side of the road would be visible from the facing windows in St Vincent's House, however the visibility of the pole does not amount to a compelling planning objection.
- The introduction of a pole to the west side of the road would not impact on the future redevelopment of the former school site.
- It is considered that the introduction of the proposed poles and wire would not detract from the openness of the Green Belt or harm the character and

appearance of the Conservation Area.

- The applicant has stated that the land where the poles would be sited is Barnet Highway land.
- No specific evidence has been submitted to substantiate the assertion that the development would represent a danger to birds, bats or wildlife.

Site 11: The Laboratory Burtonhole Lane & 4 Oakfields, Burtonhole Lane

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

This location is within the Conservation Area and the Green Belt.

The 6m pole (colour green) proposed on the north side of the road would be on the back edge of footpath to the front of the laboratory building. The 6m pole (colour green) proposed on the opposite side of the road would abut the flank, front garden boundary to 4 Oakfields on the green verge. The pole would adjoin the pre cast concrete post which supports the chain link fencing enclosing the land to the rear.

Site specific comments received:

- I wish to know where the 6m poles will be placed (site 11). I do not want them adjacent to the property as it may impinge on our security if they can be climbed.

Mill Hill Preservation Society;

- Posts will be a visual intrusion and will look incongruous in the street scene
- Posts will be additional clutter in an area that could do with less
- Previously stated danger to birds and bats

Officer comments:

- It is considered that the poles and wire would fit into the street scene without causing material harm to the character or appearance of the Conservation Area. The development would not harm the openness of the Green Belt in this setting.
- The 6m pole to the north side of the road would be sited close to the boundary fence enclosing the laboratory and adjacent buildings. Whilst it is unlikely that the security of the neighbouring site would be compromised a condition is recommended which requires anti-climb paint to be applied to the pole.
- No specific evidence has been submitted to substantiate the assertion that the development would represent a danger to birds or bats.

Site 12: Near Oakfields Cottage, Partingdale Lane and to the rear of Ridgetop House and Elbury, The Ridgeway on Partingdale Lane

This site was included in the proposals considered under planning application ref. H/01834/10. There have been some minor changes to the proposal.

The junction of Partingdale Lane and The Ridgeway is within the Mill Hill Conservation Area. The rest of Partingdale Lane is outside the designated heritage

area. A small triangle of land fronting Ridgetop House to the south and an area of land to the north side of the road fall within the Green Belt designation.

Two 3m high poles, with a “tie bar” between, would be erected at the entrance to the footpath which leads to Eleanor Crescent. From the footpath entrance, for a distance of 38m (in an easterly direction), a 1.5m high stock proof fence would be erected. The fencing would be routed around the existing trees (If fencing already exists this will be retained and the new fencing will not be required).

A 6m high pole (colour green) would be sited at the back edge of the pavement at the end of the fence, with a second 6m pole sited to the south on the opposite side of the road close to the boundary with Ridgetop House.

Site specific comments received:

Mill Hill Preservation Society;

- The erection of posts with a wire to the footpath into Buntingsfield is unacceptable. The Society would prefer a kissing gate.
- The post and wire fence is not a problem to the Society
- Posts and wire over the lane is an unacceptable visual intrusion in a sensitive area and is another step in making the lane appear urban rather than keeping its rural heritage

Officer comments

- The 3m high poles, and fencing, would be viewed against the green backdrop of the adjoining land. It is considered that the development would leave the character and appearance of the Conservation Area unharmed. With regard to the Green Belt, the development would not unduly impact on the openness of the area.
- The 6m high poles would not be incongruous additions in the street scene. Although the northern pole would be more prominent being sited away from buildings, there are existing lampposts and street sign poles in the vicinity. It is considered that the introduction of 2 additional poles, with wire, in this location would not detract from the street scene nor impact on the openness of the Green Belt.
- The pole on the south side would be visible from the rear of the neighbouring house fronting the Ridgeway, however this is not considered to harm neighbouring residents' visual amenity.

Site 13: Bray Road at the junction of Bittacy Hill

This site was included in the proposals considered under planning application ref. H/01834/10. There has been a change to the proposed siting of one of the poles.

Three 6m high poles (colour green) with connecting wire are proposed. The first pole would be sited on the north side of the road at the junction with Bittacy Hill. The second pole would be sited on the grass triangle on the opposite side of the road, adjoining but not obscuring the street sign, whilst the third pole would be sited adjacent to the flank boundary of 24 Walden Way in line with the front of the house.

Site Specific Comments Received

Mill Hill Preservation Society;

- Visual intrusion which will look incongruous in the street scene
- add clutter in an area that could do with less
- danger to birds and bats
- posts may spoil the entrance to the new development as they will be difficult to incorporate into a design solution

Officer comments:

- It is considered that the introduction of 3 poles in this location, which contains a collection of street furniture in the form of lamp posts, street signage and telegraph poles, would not harm the street scene or add unacceptably to street clutter.
- The pole adjacent to 24 Walden Way would not be visible from any windows of this property. Whilst the poles would be visible from properties on the opposite side of The Ridgeway it is considered that they would not harm neighbouring residents visual amenity or living conditions.
- No demonstrable evidence has been submitted to substantiate the assertion that the development would represent a danger to birds or bats.
- This location is within the Mill Hill Area Action Plan. The location of the poles may need to be revisited at a later stage when redevelopment progresses. This would be subject to a revised planning application and only immediate neighbouring residents would need to be re-consulted.

Site 14 Entrance to Mill Hill Depot Bittacy Hill

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

Three 6m high poles (colour green) with connecting wire are proposed. The poles and wire would span the 2 accesses to the site.

Site Specific Comments Received

Mill Hill Preservation Society;

- Visual intrusion which will look incongruous in the street scene
- Will add clutter
- Posts may spoil the entrance to the new development as they will be difficult to incorporate into a design solution
- Where the Eruv line crosses will be a new open square and a line of poles and wires through this new space will be unacceptable

Officer comments:

- The immediate area has signage, lampposts and a bus stop. The introduction of three 6m poles would not adversely harm the street scene.
- This location is within the Mill Hill Area Action Plan. The location of the poles may need to be revisited at a later stage when redevelopment progresses. This would be subject to a revised planning application and only immediate neighbouring residents would need to be re-consulted.

Site 15 Entrance to Bittacy Business Centre, Bittacy Hill

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

One 6m pole (colour green) with connecting wire would be sited to the north side of the access into Bittacy Business Centre on the grass area adjacent to an existing fence, and one 6m pole (colour green) would be sited on the south side of the access close to the existing bus shelter.

No site specific comments received.

Officer comments:

- There are existing lamp posts, telegraph poles and other street furniture in the vicinity. It is considered that the poles and wire would not harm the street scene.

Site 16 M1 Junction 2 / Great North Way

This site was included in the proposals considered under planning application ref. H/01834/10 but referred to as site 15. There has been a minor change to the proposal.

Two 1.1m tall leci (colour grey) would be attached to the fence in the centre of the road (A1) and one 1.1m tall leci (colour grey) would be attached to the existing fence on the north side of the road. There is an existing gantry across the road at this point. It is considered that the lechi would have a negligible visual impact at this location.

No site specific comments received.

Officer comments:

- It is considered that the leci would not have any harmful visual impact in this location and would be acceptable in the context of existing fencing, barriers and gantry .

Site 17 Foot tunnel under the Midland Main Line, Grahame Park Way

This site was included in the proposals considered under planning application ref. H/01834/10 but referred to as site 16. There has been no change to the location of the proposed leci.

One leci, 1.1m tall, 1.5mm thick and 20cm wide (colour grey), would be attached to the wall of the tunnel to each side of the footpath.

No site specific comments received.

Officer comments:

- It is considered that the leci would not have any harmful visual impact in this location and would be acceptable in the street scene.

Site 17A: A41 Bridge over old M1 junction 2 (Pentavia side)

This site was not included in the proposals considered under planning application ref. H/01834/10.

Two leci, 1.1m tall, 1.2mm thick and 20cm wide (colour grey), would be mounted under the bridge where the A41 crosses Bunns Lane.

No site specific comments received.

Officer comments:

- The leci would be a small addition and would not have a harmful visual impact in the context of this site.

Site 17B: Bunns Lane backing onto M1 old junction 2

This site was not included in the proposals considered under planning application ref. H/01834/10.

It is proposed to repair / reinforce existing wooden fencing to the south-west side of Bunns Lane west of the A41 bridge for a length of 110m. This would involve the application of a stock wire mesh. The maximum height of the fence is 1.2m and this would not be changed.

No site specific comments received.

Officer comments:

- The proposed addition to the fencing would not have a harmful impact on the character and appearance of the area.

Site 17C: Bunns Lane east of the M1 bridge east of Dove Close

This site was not included in the proposals considered under planning application ref. H/01834/10.

It is proposed to repair / reinforce existing fencing to the south side of Bunns Lane to the east of the M1 bridge for a length of 15m. This would involve the application of a stock wire mesh. The maximum height of the fence is 1.2m and this would not be changed.

No site specific comments received.

Officer comments:

- The proposal would not have a harmful impact on the character and appearance of the area.

Site 17D: Bunns Lane / M1 bridge

This site was not included in the proposals considered under planning application

ref. H/01834/10.

One leci 1.1m tall, 1.2mm thick and 20cm wide (colour grey) would be mounted under the bridge to each side of the road.

No site specific comments received.

Officer comments:

- The visual impact of the leci would be negligible in the context of this site.

Site 18: Bianca Court, Bunns Lane & 1 Langley Park

This site was included in the proposals considered under planning application ref. H/01834/10. There has been no change to the proposal.

Two 6m high poles (colour green) and wire are proposed.

No site specific comments received.

Officer comments:

- This part of Bunns Lane, close to the station car park, already contains a collection of street furniture in the form of lamp posts and signage. The introduction of 2 poles and wire would not harm the street scene.
- The pole fronting Bianca Court would be sited approx 5m from the flatted block. Windows to the 3 storey block would face the pole. The fact that the pole would be visible does not imply harm to residents' visual amenity or living conditions and no objection is raised in this regard.
- The pole opposite would abut the flank boundary, close boarded fence enclosing 1 Langley Park. The pole would be sited to avoid being positioned forward of flank facing windows. It is considered that the pole would not detract from the visual amenity or living conditions currently enjoyed by the occupier of no 1 Langley Park.

3. PLANNING CONSIDERATIONS

The proposal falls to be considered against the relevant development plan policies.

Policy support for the principle of the proposal is found at Policy CS10 of the Adopted Core Strategy which seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. Development management Policy DM13 in respect of community uses seeks to ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties. Depending on the location of the proposed poles and "wire", leci, and fencing different policies will apply. The policies in respect of Character, Design, Road Safety will apply almost universally, more specific policies such as those relating to conservation areas will depend on the precise location of the proposals.

The development proposed at 8 of the 23 sites is the same as proposed in the application ref. H/01834/10 for which planning permission was granted in July 2010.

Nature Conservation

Comments have been made with regard to the effect of the development on bats.

All species of bat are fully protected under “The Conservation of Habitats and Species Regulations” 2010. They are also protected under the Wildlife and Countryside Act 1981 (as amended).

Article 12 of the Habitats Directive contains a range of prohibitions seeking to protect bats and other European Protected Species. These prohibitions include deliberate capture or killing, deliberate disturbance which includes disturbance like to;

(a) impair their ability to

(i) survive, breed, reproduce or rear or nurture their young; or

(ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or

(b) affect significantly the local distribution or abundance of the species to which they belong

(c) Will damage or destroy a breeding site or resting place used by bats.

The Local Planning Authority is required to have regard to the requirements of the Habitats Directive in deciding whether or not to grant planning permission.

The circumstances of this application are such that whilst general concerns have been raised in respect of potential harm to bats and birds, no demonstrable evidence has been submitted to indicate the presence of bats or other protected species in the vicinity of any proposed gateway. The decision to require an ecological assessment of a site must be based on a reasonable likelihood that protected species, including bats, may be present in the structure, tree, feature, site or area under consideration.

4. EQUALITY AND DIVERSITY ISSUES

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 have due 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 protected groups.

Section 149 provides:

(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

Equalities impacts evidence gathering

There has been extensive consultation on the equalities impacts of this proposal with two rounds of public consultation, the second being primarily focused on equalities issues.

An equalities questionnaire was sent to all consultees requesting their views on the potential equalities impact of the development on protected groups in the area who might be affected by the scheme.

Analysis of relevant impacts on protected groups

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

- Jews
- Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- Secular Groups – Agnostic, Atheist, Humanist
- Disabled people

- Elderly Jews
- Young children and parents of young children who are Jewish
- Jewish women (on the assumption that these have greater childcare responsibility)

Before analysing the potential impact of the proposal on each of these groups it must be acknowledged at the outset that monitoring and assessing religious equality or equality between people with different beliefs can be difficult. Varying levels of commitment to particular religious or beliefs can make it difficult to interpret the information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith and an orthodox Jew who observes the Sabbath and refrains from “carrying” on that day except within an eruv.

Orthodox Jews

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws.

The Jewish Community comprises 15% of Barnet’s population.

This prohibition has the following potential adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath:

Parents cannot utilize a pram or pushchair to take their baby/young child with them to the synagogue or anywhere else such as to friends, elations etc.

In effect this means that children aged two and under may be housebound and unable to attend synagogue. The same will be true for at least one of their parents, a situation that would persist until all the children in a family are able to walk to synagogue and back.

The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

Disability takes various forms and those who require an appliance such as wheelchair, walking stick, zimmer frame to get out and about cannot make use of such aids in a public thoroughfare without transgressing Jewish Law on the Sabbath.

The prohibition also applies to the carrying of medication such as pills, nebuliser unless the absence of such medication were life threatening. Less obviously Jewish law also prevents the carrying of reading glasses whilst walking.

The introduction of the Eruv would directly benefit these members of the Jewish community who are adversely affected as described.

Other members of the Jewish community would also benefit indirectly from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

The majority of the Jewish community who completed the questionnaire were in favour of the proposal. The most common point made being the benefit that the eruv would bring to the Jewish community.

Other Faith Groups

Other protected groups who may be impacted by the Eruv development by virtue of their religious beliefs include members of the Bahai, Buddhist, Christian, Hindu, Jain, Muslim, and Sikh Communities who comprise a combined total of 73% of the borough's population.

Based on the equalities questionnaires distributed in respect of this application of the total of 65 questionnaires that were returned completed (or partially completed) 8 (12.3%) were completed by persons within these groups. The most commonly represented faith group within this section were Christians who completed 7 (10.8%) of this group of questionnaires of which 6 out of 7 (85.7%) objected to the proposal.

Of the 8 questionnaires returned by persons within these groups 7 (87.5%) raised objections, and 1 (12.5%) supported the application.

The main objections / concerns raised by members of these groups were;

Strongly object to imposition of poles & wires in any area of this country,

Strongly object to eruv, especially on or around the war memorial outside Mill Hill School on The Ridgeway,

The eruv will impact badly on this area of natural beauty with its trees and wildlife,

Disturbance and danger resulting from effect of bad weather and storms on the poles and wire should they be damaged,

It is inappropriate for a minority of persons to seek to impose their aspirations on the majority of Barnet people who have no interest or understanding of eruv principles,

The scheme is disproportionate. The numbers adversely affected would be large in relation to those benefitted. The Orthodox community is small,

The poles, wires and fences have no place on Barnet streets,

All space should be for all communities. To allow the Jewish community to have exceptions goes against our multi-cultural society. No one community should be allowed any preferences in our public spaces on a permanent basis,

Object to poles in the Conservation Area,

It is mildly offensive that public spaces should symbolically be incorporated within the curtilage of the homes of one community only,

It is unnecessary. Only a small proportion of the Jewish community will derive any benefit from it,

It risks damaging community relations,

The eruv structure would invite vandalism / damage to the detriment of community relations, and perhaps lead to damage to synagogues, Jewish schools, etc.

Street furniture should be kept to a minimum on grounds of amenity and cost,

It is not required under the Equality Act because the constraint it would avoid applies not to Jews as a whole but only to a small section of Jews,

Don't agree with it. It, or the school, should not be built.

Officers recognise the concerns about the perceived impact that the Eruv development will have on the religious beliefs of members of other faiths in the community. The effect of this on the individual will vary from person to person and there is clearly an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief. The

level of commitment to a particular religion or belief will vary from person to person. However these identified impacts on members of other faith groups must be balanced against the following considerations:-

The proposed Eruv equipment comprising poles, wire, leci, and fencing will not display any Jewish or any other religious symbolise that would allow them to be readily identified as being of religious significance.

The proposed poles would be up to 6m high and connected in places by relatively thin wire. Officers consider that they would appear as part and parcel of the variety of street furniture with no discernible religious significance. In addition the poles and equipment will be located where possible at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene.

The physical impacts of the proposed Eruv equipment have been considered on a site by site basis earlier in this report. Officers consider that the siting of the Eruv equipment would not result in visual obtrusions such as to warrant refusal of the proposal and the equipment could be readily assimilated into the general street scene.

There are already Eruvim in existence in Barnet, and the operation of these provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

Officers recognise and have had due regard to the strongly held views of members of other faith groups about the potential negative impacts of the Eruv of their beliefs and local environment. However, officers consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where there is no evidence that these concerns have been borne out in practice. The potential adverse impact of the proposal on these protected groups also needs to be balance against the positive outcome that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to worship at the Synagogue on the Sabbath.

Secular Groups

This group includes Atheists, Agnostics and Humanists. A total of 4 (6.15.%) completed questionnaires were received from members of these communities, of which 2 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

One of the two objectors stated that the extensive nature of the Eruv, and area it covers will imply that Mill Hill is not a multi-cultural, multi-ethnic, community but a Jewish one, and it will have a detrimental effect on the multi-cultural area.

It is evident from the consultation that these concerns together with the objections in respect of the potential imposition of religious symbols / designation on members of other faith groups and secular persons are strongly held views by those who responded.

It is considered that these perceived adverse impacts are mitigated by the following:

- The successful operation of existing Eruvim elsewhere in this borough and in neighbouring authorities where there is no evidence that an Eruv gives rise to

tension between secular and religious groups.

- The Eruv equipment does not carry any Jewish symbolism and is usually seen as part and parcel of the normal street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Jewish Community.

Disabled people

A total of 8 questionnaires (12.3% of the total returned) were completed by persons who stated that they have a disability under the Disability Discrimination Act definition (“a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities”). 5 of the 8 questionnaires (62.5%) were completed by a member of the Jewish community, however none of the 4 disabled members of the Jewish community who completed a questionnaire stating support for the Eruv referred to any specific benefit to them.

3 responses were received from non Jewish disabled persons of which 1 objected to the proposals. 2 questionnaires in support of the proposal were received from non Jewish disabled persons. The objections raised by the disabled person do not relate to any specific detrimental impacts arising from the proposal on disabled persons.

Potential negative impacts on disabled people

Although this was not a point raised in questionnaires responses, there may be a potential impact on partially sighted/blind persons whereby the equipment could create a trip or collision hazard which could have a serious effect on their safety and general wellbeing.

Officers consider that the sites for the equipment have been carefully chosen so as to prevent a trip or collision hazard arising. The Eruv poles themselves are 76mm in diameter so are relatively thin structures that can be sited at the back edge of the pavement so as to minimise intrusion onto the footway. The Eruv poles are considerably smaller than many items of street function that can be erected without the need of any planning permission. The location of the Eruv poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

The council’s Highways Group, who are directly responsible for highway and pedestrian safety on the Borough’s roads have been consulted throughout the process and have no objections to the proposal. The impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration.

Access in Barnet were consulted and no response was received.

In addition to planning permission being necessary, the equipment also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued.

With regard to the existing Eruvim in the borough there have not been any incidents of the Eruv poles causing an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of poles on the public highway could result in a hazard to members of the public in general and disabled persons in particular that is not the case with this proposal. Each site has been carefully assessed and it is considered that the siting of the poles would not adversely impact disabled members of the community.

Positive impacts on disabled persons

On the other hand, the proposal would significantly and positively benefit disabled members of the Jewish community in that it would enable them to attend the synagogue for worship on the Sabbath as well as generally being able to leave their houses to socialise with friends and family on those days. It would in effect give them the same opportunity to join in the spiritual and social life of their community, as well as the wider community on the Sabbath in accordance with the Equality Act.

Overall, officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Jewish community.

Elderly People

There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled.

Positive impacts for elderly Orthodox Jews

Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals. Without an Eruv elderly Orthodox Jews are prohibited from carrying these items on the Sabbath and as such may be housebound and unable to attend synagogue.

The implementation of the Eruv will allow elderly Orthodox Jews to participate in religious and communal activities more easily.

Of the 46 questionnaires completed by members of the Jewish community, 19 (41.3%) were completed by elderly persons (65 +) of which 17 (37%) supported the proposal. 4 of the elderly members of the Jewish community who responded to the questionnaire supporting the proposal did so citing the benefits / improvement to the quality of life that the Eruv would bring.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on the elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise as for disabled persons, for example potential impacts in relation to greater obstructions on the pavement etc.

Overall it is considered that the Eruv would bring significant benefits to elderly members of the Jewish community, as described in the previous section. Conversely the Eruv could have potential negative impacts as identified in the

previous section but it is considered that these concerns have been addressed.

The proposal would have clear and significant benefits for elderly members of the Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

Young Children and parents of young children in the Jewish Community
Without an Eruv, very young children that have not reached walking age or are only capable of walking short distances would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

Due to children responsibilities, at least one parent would similarly be effectively housebound. Moreover it is likely that mothers would have a greater childcare responsibility and therefore are likely to be disproportionately affected.

The introduction of the Eruv would enable the use of pushchairs, prams etc for taking children out on the Sabbath. This would provide greater equality of opportunity not only for the children themselves but also their carers. In addition there would be indirect benefits to the wider community from being able to include all members in the various activities.

Officers consider that the proposal would positively benefit members of this particular group. No noteworthy potential adverse impacts on members of this group have been highlighted or drawn to officer's attention through the consultative process.

Fostering Good relations

With regard to the Public Sector equality duty S149 (5) of the Equality Act 2010 requires that the Council have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This 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 promotion of the planning application and public consultation which outlines the role of the Eruv has provided an insight into the practices of the Orthodox Jewish Community to other local people.

Overall conclusion on equalities impacts

In determining this planning application the LPA must have due regard to the equalities impacts of the proposed Eruv on those persons protected under the Equality Act 2010. This Act requires the LPA 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 both positive and negative have been weighed 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 elderly, disabled and young members of the Orthodox Jewish Community.

Officers consider that proposal has the potential to generate certain negative impacts on groups with the protected characteristics of age, disability, religion or belief.

There have been substantial and genuine objections to the application made in respect of religious or belief characteristics. Many people feel strongly against the Eruv and have taken the time and trouble to detail those objections.

However, 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 prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath.

The creation of the Eruv itself does not require planning permission as most of the boundary does not involve development for the purposes of the Town and Country Planning Act 1990. The application comprises street furniture, poles joined at the top by "wire", 1m high posts known as leci and fencing.

Besides the poles and "wire", leci and fencing there are no other manifestations delineating the Eruv boundary. The development would not display any signage or religious symbol.

No one group would be directly disadvantaged by the Eruv, however those Jews who do not wish to transgress Jewish Law 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.

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.

5. CONCLUSION

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 economic. It is considered that this application is promoted 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 to 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.

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 the area and the amenities of neighbouring residents. In conservation terms the application would be neutral and would therefore preserve the character and appearance of the conservation area. The objections / concerns which have been raised in respect of the potential impact on birds and bats are not supported by substantial evidence and do not justify the refusal of the permission sought .

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. Officers consider that the proposal is acceptable in this regard.

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 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.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups, outside of the Jewish community as previously addressed.

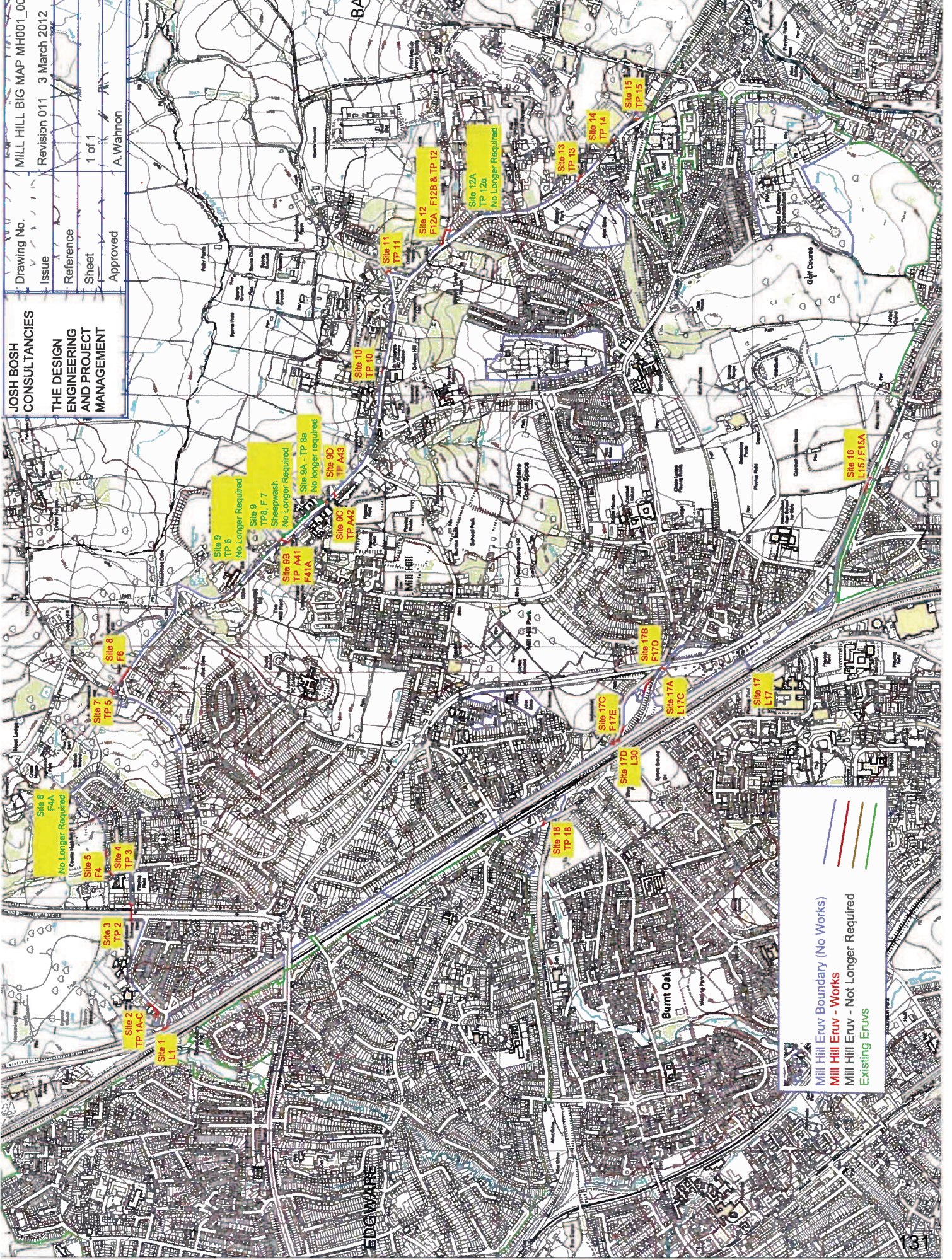
Eruvim already exist elsewhere in the borough and officers have visited these to assess the impact that the equipment has on the character and appearance of those areas. Officers consider that the Eruv equipment has no adverse impact and readily assimilates into the street scene. Similarly there is no evidence that the concerns raised in respect of the potential adverse impacts of the proposal on protected groups have materialised.




The proposals are considered to be acceptable and approval is recommended subject to conditions.

JOSH BOSH CONSULTANCIES
THE DESIGN ENGINEERING AND PROJECT MANAGEMENT

Drawing No. MILL HILL BIG MAP MH001_001
 Issue Revision 011 3 March 2012

Reference Sheet 1 of 1
 Approved A. Wahnon



 Mill Hill Eruv Boundary (No Works)
 Mill Hill Eruv - Works
 Mill Hill Eruv - Not Longer Required
 Existing Eravs

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