

**MEETING**

**EAST AREA PLANNING SUB-COMMITTEE**

**DATE AND TIME**

**MONDAY 12 NOVEMBER, 2012**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

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

Chairman: Councillor Andreas Tambourides (Chairman),  
Vice Chairman: Councillor Bridget Perry (Vice-Chairman)

**Councillors**

Alison Cornelius	Alan Schneiderman	Joanna Tambourides
Arjun Mittra	Stephen Sowerby	Jim Tierney
Barry Rawlings	Andrew Strongolou	

**Substitute Members**

Rowan Turner	David Longstaff	Lisa Rutter
Pauline Coakley Webb	Kath McGuirk	Brian Salinger
Brian Coleman	Alison Moore	
Anne Hutton	Robert Rams	

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

**Aysen Giritli – Head of Governance**

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

**CORPORATE GOVERNANCE DIRECTORATE**

## ORDER OF BUSINESS

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1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members Personal and Prejudicial Interests	
4.	Public Question Time (if any)	
5.	Members' Items (if any)	
6.	Application for Planning Permission and Consent under the Advertisements Regulations	
	<b>Brunswick Park Ward</b>	
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	<b>Woodhouse Ward</b>	
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17.	Any item(s) the Chairman decides are urgent	

### **FACILITIES FOR PEOPLE WITH DISABILITIES**

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### **FIRE/EMERGENCY EVACUATION PROCEDURE**

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**LOCATION:** Waterworks Cottages, 86 Brunswick Park Road,  
London, N11 1LE

**REFERENCE:** B/02791/12

**Received:** 18 July 2012

**Accepted:** 17 July 2012

**WARD:** Brunswick Park

**AGENDA ITEM 7**

**Expiry:** 11 September 2012

**Final Revisions:**

**APPLICANT:** Fruition Properties

**PROPOSAL:** Demolition of 3 x terraced cottages and erection of 2 x 3bed houses and 3 x 4 bed houses with rooms in the roof spaces with associated car parking, landscaping, refuse and cycle store and access road via 98 Brunswick Park.

### **APPROVE SUBJECT TO A UNILATERAL UNDERTAKING**

#### **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) £28,048.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £4,366.00**  
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £488.00**  
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,645.10**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### **RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/02791/12 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 Nos. 1WC/OS\_02 (received 26 October 2012), 1WC/P01 Rev A, 1WC/P02, 1WC/P03, 1WC/P04, 1WC/P05, 1WC/P06, 1WC/P07, 1WC/P09, 1WC/P10, 1WC/P11 (received 17 July 2012), Noise assessment 1386/2 (received 19 September 2012).

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. 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 visual amenities of the locality.

4. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

5. Prior to the commencement of any development on site, a scheme for acoustic fencing on the eastern and southern boundaries of the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development hereby permitted is first brought into use and maintained as such thereafter.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

6. Prior to the commencement of the development hereby permitted, details of the proposed boundary fences between properties shall be submitted to and approved in writing by the Local Planning Authority. Submitted details shall include a typical elevation showing the height and design (including materials/appearance/finish) of the proposed fence. The boundary fence shall thereafter be installed in accordance within the approved details and in the position shown on the approved drawing prior to the first occupation of the development hereby permitted, and retained as such thereafter.

Reason:

To safeguard the amenities of adjoining occupiers.

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.

8. Before the development hereby permitted is first occupied the parking spaces shown on Drawing No. 1WC/P01 Rev A (received 17 July 2012) 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.

## 9 Part 1

Before development commences other than for investigative work:

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

must be comprehensive enough to enable:-

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

## Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

10. 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.

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 GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

12. 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 work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

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 thereafter 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 Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and Policy DM17 of the Local Plan Development Management Policies DPD (Adopted September 2012).

14. 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.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission 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 Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H2, H16, H17, H18, M11, M12, M13, M14, ENV12.

Core Strategy (Adopted September 2012): CS NPPF, CS1, CS3, CS5, CS9 and CS13.

Development Management Policies (Adopted September 2012): DM01, DM02, DM04 and DM17.

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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on

the amenities of neighbouring occupiers. The proposal would provide a good level of amenity for future occupants. This proposal is considered to accord with Council policies and guidance.

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

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 £12285.

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](http://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](mailto:cil@barnet.gov.uk)

- 3 In complying with the contaminated land condition parts 1 and 2:

a) Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR model procedures.
- 2) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 3) The Environment Agency 'Guiding principles for land contamination (GPLC)'
- 4) Guidance for the safe development of housing on land affected by contamination. Environment Agency R&D publication 66:2008.

b) Clear site maps should be included in the reports showing previous and

future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.

c) All raw data should be provided in a form that can be easily audited and assessed by the Council (eg trial pit logs and complete laboratory analysis reports).

d) Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made should be included.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 4 The applicant is advised that Brunswick Park Road (the entire length) is a Traffic Sensitive Road. Deliveries during the construction period should not take place between 8:00am and 9:30am, and 4:30pm and 6:30pm Monday to Friday. Careful consideration must also be given to the optimum routes for construction traffic and the Environment and Operations Directorate should be consulted in this respect.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12 February 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/02791/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education and health and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Health (2009) and Monitoring (2007), policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006), and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

#### **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".

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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H2, H16, H17, H18, M11, M12, M13, M14, ENV12.

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.

#### Core Strategy (Adopted September 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS9 and CS13.

### Development Management Policies (Adopted September 2012):

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.

The Development Management Policies DPD was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM04 and DM17.

### Relevant Planning History:

None relevant to the application site. The following planning applications, relate to land immediately to the west of the application site. Both schemes are under construction:

B/02749/10: Demolition of existing garage/storage outbuildings and erection of 2 No. four bedroom mews houses with associated landscaping and car parking with new private access road using existing cross-over. Approved. Under construction.

B/00469/09: Demolition of existing property and erection of a residential block consisting of 9 apartment units. Approved. Under construction.

### Consultations and Views Expressed:

Neighbours Consulted: 45                      Replies: 7 letters of objection and one petition containing 35 signatures.  
Neighbours Wishing To Speak: 3

The objections raised may be summarised as follows:

- Residents have suffered noise and disturbance from the ongoing works at No. 98 Brunswick Park Road.
- Proposed dwellings would increase traffic problems, and insufficient parking spaces are being provided.
- New builds are not in keeping with neighbouring properties.
- Houses would overlook neighbouring properties.
- Proposal would be overdevelopment of the plot.
- Existing properties 'Waterworks Cottages' are over 100 years old and are part of the history of Brunswick Park. They could be returned to perfectly good stock through maintenance.
- Proposal would add to existing pressures on infrastructure, including doctors, dentists and schools.
- Concerns regarding impact of noise and disturbance from adjacent industrial park.

### Internal /Other Consultations:

Traffic and Development: This application proposes the erection of 5 new houses. A total of 8 parking spaces are proposed at the forecourt. Vehicular access will be via an existing access to adjacent houses and a flatted development at No. 98 Brunswick Park Road. The parking provision is in accordance with the Adopted

Unitary Development Plan. The applicant must ensure that the new dwellings have a right of access via the shared access road. No objections are raised on highway grounds, subject to conditions.

Environmental Health: The noise assessment dated September 2012 looks at the impact of the garages and industrial park on the proposed new homes. It demonstrates that standard thermal double glazing plus trickle vents will ensure our noise level requirements are met. This conclusion is satisfactory, but a condition requiring acoustic fencing is recommended. The standard contaminated land condition is also recommended as the site has been in close proximity to commercial uses for many years.

Date of Site Notice: 26 July 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site contains a terrace of three 2-storey dwellings, located approximately 50 metres to the north east of Brunswick Park Road. The application site is accessed from a track between Nos. 82 and 88 Brunswick Park Road. This access track also provides access to a single storey flat roofed repairs workshop. This workshop is located to the south west of the application site, with a pair of semi-detached properties currently under construction to the north of the workshop. To the north of the site are residential properties at Marshalls Close, and Brunswick Industrial Park is to the east of the site.

### Proposal:

This application proposes the demolition of the existing row of three terraced properties, and the construction of one pair of semi-detached dwellings, and one row of three terraced houses.

The pair of semi-detached dwellings would measure 11.2 metres in width by 11.6 metres in depth. The building would be 8.2 metres high, and have front and rear gable projections, with a flat crown roof. The row of three terraced houses would measure a maximum of 16.3 metres in width by 12.7 metres in depth. The building would have a height of 8.2 metres, and have a hipped roof with a flat crown. Dormer windows are included on the front, side and rear roofslopes. Both buildings would have single storey front projecting elements

The submitted elevations show that the buildings would be finished in a facing brick at ground floor level, with rendered walls at and above first floor. The properties would be set to the south of their plots, with the garden areas set to the north, between the buildings and their associated parking areas. An area for cycles and bin stores would be located to the north of the proposed dwellings in the corner of the site.

## Planning Considerations:

### **Character**

The existing properties are not listed, or located within a conservation area. No objections are raised to the principle of their demolition. The proposed dwellings would be sited in broadly the same position as the existing dwellings, set to the south east of the plot and extending north-east from the pair of semi-detached properties under construction to the north west of the site. The proposed row of terraced dwellings would be set away from the south western boundary of the curtilage of the dwelling, with the flank wall parallel with that to the dwellings in the adjacent plot. Spacing would be retained between the proposed row of terraced dwellings, and the proposed pair of semi-detached dwellings, which would be toward the east of the site, but set off the boundary with the industrial estate to the north west by 1.5 metres. The proposed dwellings would be broadly adjacent to the recently completed pair of semi-detached dwellings to the west, and would appear as a continuation of this development, with garden areas set forward of the properties and adjacent to the gardens of the neighbouring properties. The hardstanding for the parking of vehicles would appear as a continuation of the hardstanding serving the adjacent development to the west. It is considered that the proposed development would sit comfortably within the application site, and would reflect the character of its surroundings.

The density of the proposed development would be within the relevant Public Transport Accessibility level for the locality, and the density would be appropriate for the locality.

### **Impact on neighbouring properties**

Policy H17 of the Adopted Unitary Development Plan requires a minimum distance of 21 metres between properties with facing windows to habitable rooms, and 10.5 metres to a neighbouring garden. The proposed dwellings are set at least 20 metres from the rear boundaries of the neighbouring residential dwellings to the north at Marshalls Close, and as a result would not adversely affect the amenities of the occupants of these neighbouring properties. The nearest neighbouring residential properties to the west have only recently been completed externally, with internal works ongoing at the time of the Officer's site visit in connection with this application. The proposed dwellings would be set directly alongside this pair of semi-detached properties, and as a result would not appear overbearing or visually intrusive when viewed from this pair of semi-detached properties. Given the relationship between the buildings, the proposal would not adversely affect the privacy of the occupants of any neighbouring properties.

### **Amenities of future occupants**

The proposed dwellings would have small terrace areas immediately to the rear, and front garden areas forward of the dwellings, with a similar layout to the recently constructed pair of semi-detached properties to the west of the site. The garden areas are of a sufficient size to comply with Policy H18 of the Adopted Unitary Development Plan. The proposed units would exceed the minimum internal space standards as required by the London Plan.

### **Noise and contaminants**

The proposed residential dwellings would be located directly adjacent to Brunswick Industrial Estate to the east, and a car repairs workshop to the south. The applicant

has submitted a noise assessment, which demonstrates that standard thermal double glazing plus trickle vents will ensure the Council's noise level requirements are met. The Environmental Health Officer has recommended the use of acoustic fencing to further mitigate against the impact of any noise, and it is considered both necessary and reasonable to secure the provision of this fencing by condition.

The Environmental Health Officer has also recommended that, given the proximity of the site to commercial uses, that the standard contaminated land condition should be attached. This is considered both reasonable and necessary, to ensure any contaminated land issues are resolved prior to the use of the site for residential purposes.

### **Parking**

The application includes sufficient parking provision to comply with policy. No objections have been raised on highway safety grounds, as the dwellings would be accessed from an existing vehicular access which also serves adjacent new development.

### **Refuse**

The application includes the provision of a refuse store to the north eastern corner of the site. This store is located some distance from Brunswick Park Road, and given the narrow nature of the access road refuse vehicles will not be able to access the site. It will therefore be necessary for occupants to bring bins to a convenient collection point. Given the position of approved bin store areas to the neighbouring properties, it is not considered that objections could be sustained with regard to the refuse store proposed as part of the current application. With regard to its siting, the proposed refuse store and cycle store would not appear as a prominent feature within the site, however it is necessary to request details of the appearance of this store to be approved by condition.

### **CIL and Obligations.**

The proposal would replace three 3-bed dwellings with three 4-bed dwellings and two 3-bed dwellings. The proposal would result in an increase in the population of the site, and result in increased pressure for education, health and library services. It is necessary for financial contributions towards these facilities to be secured by a S106 Agreement prior to full permission being granted. Furthermore, given the increase in residential units on the site, the proposal is liable for the Mayor's CIL.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Issues of noise and disturbance can be controlled by limiting the hours of working, which can reasonably be restricted by condition. These issues can also be controlled by Environmental Health legislation. Impact on property values is not a material planning consideration.

## **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 proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.

**SITE LOCATION PLAN:**  
London, N11 1LE

**Waterworks Cottages, 86 Brunswick Park Road,**

**REFERENCE:**

**B/02791/12**



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**LOCATION:** Service Road between East Walk and Ferney Road,  
Barnet, Herts, EN4 8JU

**REFERENCE:** B/02489/12

**Received:** 28 June 2012

**Accepted:** 24 July 2012 **AGENDA ITEM 8**

**WARD(S):** Brunswick Park

**Expiry:** 18 September 2012

**Final Revisions:**

**APPLICANT:**

**PROPOSAL:** Installation of 4no. access gates across the rear service road between East Walk and Ferney Road, with gates located to the rear of Nos. 7/8 East Walk & 6/8 Ferney Road, 25/26 East Walk & 42/44 Ferney Road, 27/28 East Walk & 46/48 Ferney Road, and 65 East Walk/31 Uplands Road

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Two site location plans (dated 4 September 2012) and elevations (received 7 September 2012).

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.

**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 Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, M11, M12, Design Guidance Note No. 9 - Walls, Fences and Gates.

Core Strategy (Adopted) 2012: CS NPPF, CS5 and CS9.

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

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

The proposed development is considered to have an acceptable impact on

the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers, and would not be detrimental to highway safety. This proposal is considered to accord with Council policies and guidance.

2. The applicant must ensure that any equipment associated with the gate operation is located within the site boundaries and does not encroach onto the public highways.
3. The applicant is advised that, prior to the installation of the gates hereby approved, consultation should be undertaken with the relevant Emergency Services.
4. The applicant is advised that permission should be obtained from the relevant land owners or those with a right of way over the land prior to any development taking place.

## **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".

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.

### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, M11, M12, Design Guidance Note No. 9 - Walls, Fences and Gates.

Core Strategy (Adopted September 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS5 and CS9.

Development Management Policies (Adopted September 2012):

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.

The Development Management Policies DPD was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01 and DM17.

Relevant Planning History: None relevant.

Consultations and Views Expressed:

Neighbours Consulted: 123                      Replies: 7 letters of objection and 11 letters of support received.

Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- Wish to continue to access garage without hindrance, proposed gates would stop this and would obstruct access to garage.
- It is illegal to reverse onto a main road, and the gates would force people to do this. The road is not wide enough to turn in.
- The gates would mean people have to exit their vehicles to gain access to the service road, and this would not be safe.
- Opening and closing of gates would result in noise and disturbance to neighbouring occupiers.

- Parking to the front of properties along East Walk and Ferney Road is at a premium. The gates would exacerbate parking problems, as it will discourage garage owners from using their garages.
- Service road has been open to the public for many years and should remain open.
- Gates will restrict the police from patrolling the access road.

The letters of support include the following comments (summarised):

- Gates will improve security to the houses and reduce fly tipping.

#### Internal /Other Consultations:

**Traffic and Development:** The proposal is for the installation of 4 gates on the entrances of private service roads between East Walk and Ferney Road. The location of the gates will be on private land. The gates are set back more than one car length from the edge of the carriageway and will open away from the highway, allowing a vehicle to be parked off the highway while the occupant opens or closes the gate. The operation of the gates will not adversely affect the public highway. The applicant must ensure that any gate operation equipment is located within the site boundaries and does not encroach onto the public highways. The applicant should contact the Fire Brigade and London Ambulance Service to discuss their requirements. The Cleansing Department should be consulted regarding impact on refuse collection arrangements. Please note that the applicant will need permission from the land owner and any persons who have a right of way over the access road.

Date of Site Notice: 02 August 2012

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The application site relates to the service road which runs to the rear of Ferney Road and East Walk. The road is used to access garages which are to the rear of each site.

#### Proposal:

This application proposes the installation of 4 security gates, to enclose the service road that runs between Ferney Road and East Walk. One gate would be set approximately 45 metres along the service road from Parkside Gardens, to the rear of Nos. 8 East Walk and 8 Ferney Road. One gate would be located to the rear of Nos. 25 East Walk/42 Ferney Road, and would be set back 6 metres from the junction with the access road. Another gate would be located to the rear of Nos. 28 East Walk/48 Ferney Road, and also be set 6 metres back from the junction. The final gate would be set approximately 11 metres from Uplands Road. The proposed gates would be 2 metres in height, and be metal railings. The openings would be a minimum of 3.5 metres wide. The applicant's Design and Access statement confirms that the gates would all open away from the highway.

#### 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.

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character of the general location in terms of scale, design and impact on neighbouring properties.

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design.

The Council's Design Guidance Note No.9 - Walls, Fences and Gates deals with boundary treatment or means of enclosure around properties. Whilst not directly applicable to the application, the note does state that 'in considering the design and siting of fencing a balance has to be struck between privacy, safety and security on the one hand and aesthetic considerations on the other. The need for security does not outstrip other relevant considerations such as the visual impact and effects on local amenity'. This proposal is considered to strike a balance between the security requirements of the residents and the streetscene of the area. The introduction of the gates is not considered to detract from the quality and character of the locality. The proposed gates would be set back from the main roads, and would not appear clearly visible unless approached head-on along the access road. Given their setback, the proposed gates would not appear as prominent features within the street scene, and would not adversely affect the character or appearance of the area or the wider locality.

The proposed gates would be set back from the highway to enable a vehicle to pull clear of the highway before opening the gates.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Land ownership issues are not a material planning consideration, but are a private matter to be dealt with outside the planning system. Other matters are addressed 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**

It is not considered that the development would have any detrimental impact upon the visual or residential amenities of the neighbouring occupiers or the character and appearance of the area. It is therefore recommended that the application be approved.

**SITE LOCATION PLAN:** Service Road between East Walk and Ferney Road, Barnet, Herts, EN4 8JU

**REFERENCE:** B/02489/12



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**LOCATION:** 12B Pymmes Brook Drive, Barnet, Herts, EN4 9RU

**REFERENCE:** B/03382/12

**Received:** 03 September 2012

**Accepted:** 11 September 2012

**WARD(S):** East Barnet

**Expiry:** 06 November 2012 **AGENDA ITEM 9**

**Final Revisions:**

**APPLICANT:** Mr & Mrs Foskett

**PROPOSAL:** Two storey side and rear extensions with 2no. side juliet balconies. Single storey front extension with internal alterations and associated landscaping works.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

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

195\_SL\_01, 195\_EX\_01, 195\_EX\_02, 195\_EX\_07, 195\_EX\_03, 195\_EX-04, 195\_EX\_05, 195\_EX\_06, 195\_EX\_08, 195\_EX\_09, 195\_PR\_11, 195\_PR\_15, 195\_PR\_12, 195\_PR\_13, 195\_PR\_14, 195\_PR\_16, 195\_PR\_17 and 195\_PR\_18 received by the local planning authority on 3rd September 2012.

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. 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 any time in the first floor front elevation(s), of the extension(s) hereby approved.

Reason:

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

5. The use of the extension 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.

6. The roof of the single storey front 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.

7. Before the building hereby permitted is occupied the proposed window(s) in the flank elevations of the property facing No.12a Pymmes Brook Drive 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 as indicated on Drawing Nos. 195\_PR\_13 and 195\_PR\_17.

Reason:

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

#### **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 Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, D2, D5, H27.

Supplementary Design Guidance Note 5: Extensions to Houses

Core Strategy (Adopted) 2012:

Relevant policies: CS5

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01, DM02

ii) The proposal is acceptable for the following reason(s): - The proposed development is considered to have an acceptable impact on the character and appearance of the host property. The extensions are considered to have a limited visual impact on the street scene or general locality. The proposal is not considered to have a significantly adverse impact on the residential or visual amenities of the adjoining occupiers and would be in accordance with the aforementioned policies.

## **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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

### 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.

#### Core Strategy (Adopted) 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

#### Development Management Policies (Adopted) 2012:

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.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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

Relevant Planning History:

**Site Address:** Land between 12 & 13 Pymmes Brook Drive NEW BARNET  
Herts  
**Application Number:** N02536R  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 30/12/1996  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of a pair of 3 bedroom semi-detached houses.**

**Site Address:** Land between 12 & 13 Pymmes Brook Drive NEW BARNET  
Herts  
**Application Number:** N02536S  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/06/1997  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two detached houses.**

**Site Address:** 12B Pymmes Brook Drive, Barnet, Herts, EN4 9RU  
**Application Number:** B/03000/11  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 05/12/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey front, side and rear extension. New front porch.**  
**Case Officer:** Lisa Cheung

**Site Address:** 12B Pymmes Brook Drive, Barnet, Herts, EN4 9RU  
**Application Number:** B/00401/12  
**Application Type:** Householder  
**Decision:** Refuse  
**Decision Date:** 16/05/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey side and rear extensions. Single storey front extension with internal alterations.**  
**Case Officer:** Lisa Cheung

Consultations and Views Expressed:

Neighbours Consulted: 42                      Replies: 21  
Neighbours Wishing To Speak: 5

The objections raised may be summarised as follows:

- Five bedroom property would be out of keeping with the rest of the properties in the cul de sac
- The proposal is likely to increase the volume of water running down the slope area to the front of the application site- runoff would damage existing road surface over time
- Over-shadowing
- Privacy
- Overbearing impact from proposal
- Plans are inaccurate- No. 13 states that their border is not shown correct despite this being raised as an issue under the last committee
- 12B will have the largest footprint of any property on the road but also will have the largest habitable room on the road
- Overlooking directly on to No. 13 from the garden of application site
- Noise and disturbance from construction (enabling) works
- Scale of the development is excessive
- Extension is not subordinate to the house
- Overly dominant
- Overdevelopment
- Loss of privacy
- Trees which currently provide a limited amount of privacy will be cut down

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a detached single family dwelling property located on the northeastern side of Pymmes Brook Drive. This road is a cul-de-sac, predominantly residential in character, comprised of detached single family dwellings, similar in age and style.

The host property and neighbouring property No.12a are later additions to the road but are similar to other properties in terms of design and form.

The property is gable ended at both the front and back.

In recent years, the application site has increased in size as a result of the purchase of land adjacent to the property (at the rear of properties in Park Road). The site as enlarged is much larger than the other sites in Pymmes Brook Drive.

The property is only visible when at the head of the road given that it is set back some 14m from the cul-de-sac. The recently acquired land to the side is not currently visible from the road given the screening provided by existing trees, which are not protected under a Tree Preservation Order.

Levels rise from the front to the rear of the site and continue to rise which means that properties in Park Road to the north are at a higher level than those on Pymmes Brook Drive. Access from the house into what was the original rear garden is provided via a decked area which does not appear to benefit from planning permission and does not form part of this application.

Properties in this road have a staggered building line which is continued around to include both No.12a and No.12b. This means that 12a sits further back than 12b and also projects further rearwards than No.12b. As a result of the layout of the road, No.13 is located some 15m in from of No.12b but is angled away towards the northeast so that the front of No.12b faces the flank wall of No.13.

### Dimensions:

This application seeks planning permission for a two storey side and rear extension with 2 no. side Juliette balconies and a single storey front extension with internal alterations and associated landscaping works.

The current submission follows the submission of a previous application which was refused by the planning committee in May 2012 on the grounds that the proposal would, due to its excessive bulk and size, be overbearing and out of proportion with the existing house and would result in overlooking and loss of privacy to neighbouring residents. In this regard it was considered that the scheme would have detracted from the character and appearance of the host property and the surrounding area.

The current application proposes an overall reduction in the size of the scheme as proposed under B/00407/12, however, for ease, the extensions whilst linked will be described separately. Starting with the two storey side extension, the ground floor element would measure 3.7m wide and have a depth of 6.9m. The first floor element would be 3.7m wide, 6.9m deep and the ridge of the roof would continue across but would be hipped at the front, back and side. Windows and juliet balconies are proposed within the flank elevation of the extension facing the enlarged garden.

The ground floor element of the rear extension would have a depth of 2m running across the width of the main house and proposed side extension. A key difference between the previous submission and the current scheme is that the previous application proposed a depth of 3m running for a 7.2m width of the main house/side extension rather than a maximum depth of 2m. The first floor element would have the same depth as the ground floor element, with the same width. The roof of the rear extension would be part gabled, thus continuing the ridge of the main roof rearwards, before joining with the pitched hipped roof (as described above).

The single storey front extension would have a maximum width of 3m, angled away from the property, set off the boundary with No.13 by 6.3m. This is a further key difference between the current scheme and the previously refused application; the width of the front extension proposed under the previous application was considerably greater at 6.9m and the distance to the shared boundary with No. 13 was significantly shorter at 3m. It would have a height of 2.75m with a flat roof and would extend around across the front of the property to form a roof above the entrance lobby (this will not be enclosed).

The proposal also includes re-landscaping although planning permission is not required for these works. The existing unauthorised rear decking will also be removed, as indicated within the Design and Access Statement.

## Planning Considerations:

The proposed development is considered to be acceptable for the following reasons:

The extensions would in effect wrap around the side of the dwelling however in view of its location, set back from the road and out of view from the majority of the street, it is considered that the majority of the bulk of the extended property would be satisfactorily accommodated on this site. In addition to this the overall bulk has been reduced from that previously proposed further improving the relationship of the site to the surrounding area.

The two storey side and rear extension would not be visible from the street given the set back of the side extension and the angling of the property, as well as the proximity of No.12a and as such these extensions would have a limited impact on the character and appearance of the street scene. Despite the lack of subordination in respect of the rooflines, the set back of the extension as well its siting would be of a character and appearance reflective of that on the main house and would be compatible with the surrounding locality.

The elevations of the property would be significantly altered as a result of the proposal. However the property is not considered to be of special architectural interest which would restrict such extensions such as that proposed. These elevations would not be visible from the public highway nor, given the degree of mature vegetation on this site and neighbouring sites, readily so from adjoining dwellings. The proposed fenestration detailing is considered to be in keeping with the treatment of the existing property.

The front extension would be visible from the public highway however it would be of a considerably reduced scale, in particular its width, to that of the previous scheme. In this regard the modest height of the proposed extension and its overall design is considered an acceptable addition to main property, in keeping with its proportions and scale.

In terms of residential amenity, the proposed development is not considered to have a significantly adverse impact on the residential or visual amenities of the neighbouring occupiers, namely No.12a and 13 Pymmes Brook Drive. A new window is to be inserted within the first floor front elevation of the existing property however no window is proposed within the first floor front elevation of the two storey side extension. The new window would face the flank of No.13, some 16m away and given this, is not considered to give rise to overlooking or the perception of being overlooked given its siting and also the positioning of the property in relation to No.13. It is noted that potentially having a window along the front elevation of the proposed side extension at first floor level may well result in some overlooking and as such a window has not been proposed. A suitably worded condition has been attached to ensure no windows are inserted to safeguard the residential amenities of those living at No.13.

Whilst the extensions are significant, they have been designed to ensure that they will not be overbearing to the neighbouring occupiers. In addition to this the overall scale of the extensions has been reduced from the rear by over a metre in depth along a 7m stretch (width) of the extension nearest No. 13 and from the front extension whereby the width has been reduced by over half that proposed



under the previous application. The two storey rear extension would have a depth not extending any further rearwards than the rear wall of No.12a and in this regard the extension would not overbear or overshadow the amenity of No. 12a.

The front wall of the two storey side extension would be some 11.8m off the boundary with No.13. Given that the extension is to the north of No.13 along with the change in levels between these two sites and the existing trees along the boundary, this extension is not considered to be overbearing nor would it result in a loss of light. Objections have been raised with regards to the loss of the boundary screening and the impact that the resultant extension would have without the screening. The assessment of this scheme has been based on the current situation which is that of mature planting along the boundaries of this site. No permission would be required for the removal of this planting as the Local Planning Authority has not placed a Tree Preservation Order (TPO) on the trees on this site, given their condition nor do the existing trees form part of an approved landscaping scheme for when the host property and 12a were built.

In the previous application which was refused, a number of trees were shown to be removed along the boundary with No.13 Pymmes Brook Drive. These removals do not require consent from the LPA as these trees are not statutorily protected. The existing and proposed block plans submitted as part of the current submission do show a number of removals however given the retention of other trees along the boundary will still allow for an acceptable level of screening between the properties. The plans also indicate additional landscaping along this boundary including new hedging to a height of 2m with new trees planted at a height of 5m. The LPA has considered the imposition of a condition requiring details of a landscaping scheme however this is not considered to be necessary to the development. Even if there was no or little planting along the boundaries, the extensions, whilst more visible would not be significantly harmful to the adjoining occupiers, given the set off from the boundaries and the positioning of the properties.

The two storey side extension would be visible from gardens of properties in Park Road however it is set away from the boundaries and at a lower level and as such would not be overbearing to the occupiers of these properties. The front extension is of a modest height and set off the boundary with No.13 by 6.3m. It will therefore not be overbearing to those living at No.13.

The application as proposed has overcome the reason for refusal under the previous application through its reduction in overall mass, bulk, and size and therefore would not result in an overbearing and visually obtrusive impact and would be in keeping with the proportions of the existing house. In addition to this, due to the suitable distance between proposed windows and neighbouring properties in particular No. 13 Pymmes Brook Drive, the proposal would not result in significant overlooking or an unacceptable loss of privacy to neighbouring occupiers and in this regard the proposal is acceptable and in keeping with the character and appearance of the host property and surrounding area.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly dealt with in the planning appraisal. However the following comments can be made:

- Water run off and any other structural issues are not material planning considerations
- The plans are considered to be an accurate reflection of the existing house as built on this site.
- The Council's Highways team have not raised any concerns over the parking issues related to the scheme

### **4.EQUALITIES AND DIVERSITY ISSUES**

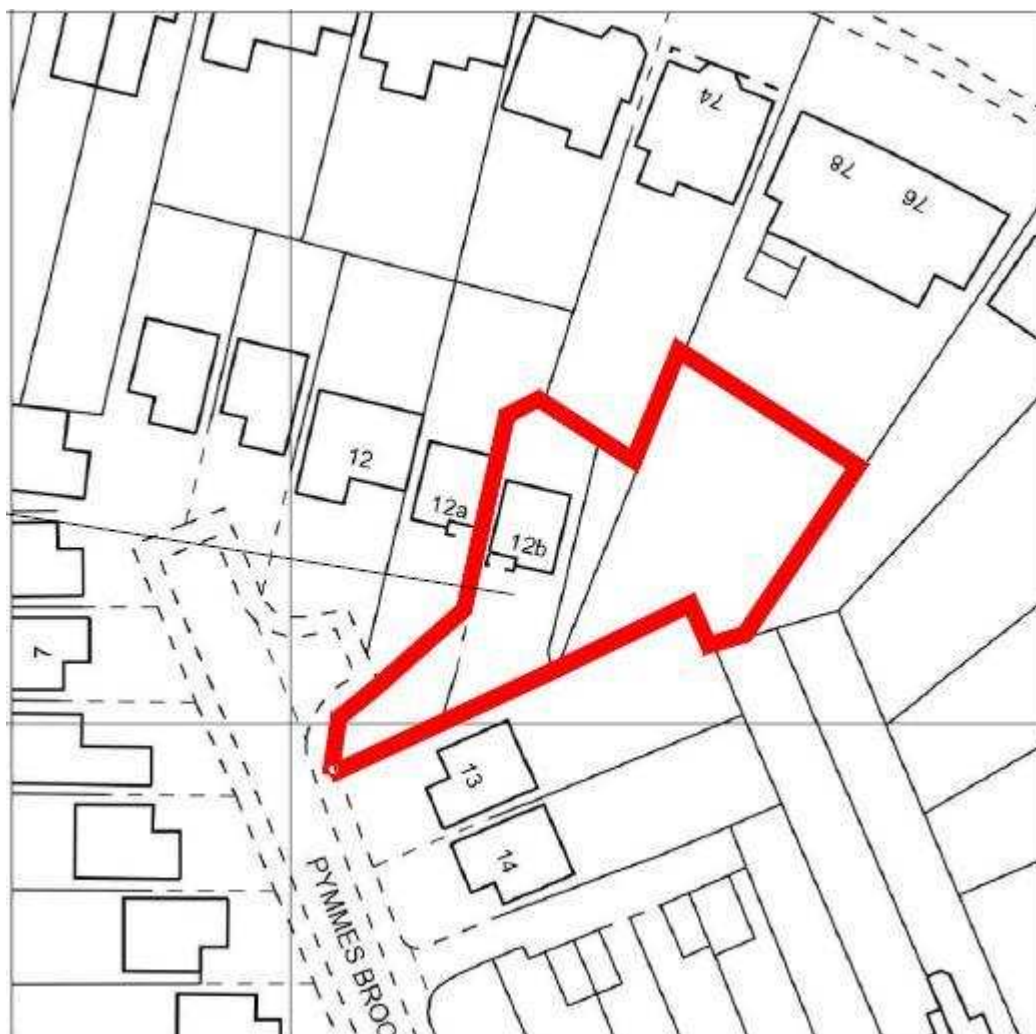
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. 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 UDP and Local Plan policies 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:** 12B Pymmes Brook Drive, Barnet, Herts, EN4 9RU

**REFERENCE:** B/03382/12



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**LOCATION:** Dick Turpin, 383 Long Lane, London, N2 8JW

**REFERENCE:** F/03139/12 **Received:** 14 August 2012

**Accepted:** 21 August 2012

**WARD:** East Finchley **Expiry:** 16 October 2012

AGENDA ITEM 10

**Final Revisions:**

**APPLICANT:** Mr A Warwick

**PROPOSAL:** Material minor amendment to previously approved application reference F/03082/11 dated 04/11/2011 for amendment to include 3no. first floor windows be changed to juliet balconies and a front boundary wall replaced with railings and hedges.

**APPROVE SUBJECT TO A SECTION 106 AGREEMENT**

**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 **Link to another Legal Agreement** **£0.00**  
Commit to sign a Deed of Variation to tie this application to the legal agreement signed for planning reference F/03082/11 dated 4 November 2012 & F/04668/11 dated 14 February 2012.
- 4 **Education Facilities (excl. libraries)** **£11,550.00**  
A contribution towards the provision of Education Facilities in the borough.
- 5 **Libraries (financial)** **£973.00**  
A contribution towards Library Facilities and Resources in the borough
- 6 **Health** **£7,480.00**  
A contribution towards Health Facilities and Resources in the borough
- 7 **Open Spaces (ward level)** **£3,500.00**  
A contribution towards the improvement of open spaces in East Finchley ward.
- 8 **Monitoring of the Agreement** **£1,171.80**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 9 **Submission of Documentation** **£0.00**  
Requirement to submit a Car Lift Maintenance Agreement for approval by the Council prior to occupation of the proposed development.

## RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/03139/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Plan No's: 1334.P.01 Rev G; 1334.P.03 Rev I, 1334.P.04 Rev J.

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 the original consented scheme F/03082/11 dated 4 November 2011.

Reason:

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

3. 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 work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

4. 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 visual amenities of the locality.

5. Before the building hereby permitted is occupied all proposed windows and side screen shown as "Fixed window Obscure glazing" and "Obscure glazing" on drawing 1334.P.04 Rev J 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 and amenities of occupiers of adjoining residential properties.

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.

7. 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 unless previously approved in writing by the Local Planning Authority.

Reason:

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

8. Part 1

Before development commences other than for investigative work:

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

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

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing

any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

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.

10. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

11. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

12. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

13. 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.

14. The level of noise emitted from any plant or machinery hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

15. 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 GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

16. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the drawing No's. 1334.P.01 Rev G & 1334.P.03 Rev I and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

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 Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

17. Prior to the occupation of the development, the disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason:

To ensure and promote easier access for disabled persons to the approved building in accordance with Policy M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

18. No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management 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. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

### **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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

London Plan (2011):

3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GParking, GEMP2, GEMP4, EMP2, EMP4, D1, D2, D3, D4, D5, D6, D11, D13, M11, M13, M14, H2, H16, H17, H18, H21, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS1, CS3, CS5, CS6, CS7, CS8, CS9, CS10, CS11, CS13, CS15.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM13, DM14, DM15, DM17.

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

Having taken all material considerations into account, the proposal as amended from the original approved scheme would ensure the protection and enhancement of the character and appearance of East Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed

development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. The proposed building would meet the council's sustainable objectives. This proposal is considered to comply with National, London Plan, and Council Policies and Guidelines.

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

2. In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

3. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

4. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

5. 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 £....

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](http://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](mailto:cil@barnet.gov.uk).

### **RECOMMENDATION III**

That if an agreement has not been completed by 07/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02347/12 under delegated powers for the following reason:

1. The development would require a Unilateral Undertaking/Section 106 Agreement 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 and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policy CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan; contrary to Policy DM13 of the Local Plan Development Management Policies (Adopted) 2012; contrary to 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".

2. The development does not provide sufficient amenity space for the proposed flats and no formal undertaking is given to meet the costs of making necessary improvements to local parks and open space to meet the needs of potential future occupiers of the proposed residential development, contrary to Policies H18, IMP1 and IMP2 of the adopted Unitary Development Plan; and Policies DM01 and DM02 of the Local Plan Development Management Policies (Adopted) 2012.
3. 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 requirement to submit a Car Lift Maintenance Agreement contrary to Policy M11 of the adopted Unitary Development Plan; contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

## **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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

### 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.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

One overall theme that runs through the plan is 'sustainable development'. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

Relevant policies: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, CS2, CS8, CS13, IMP1, IMP2.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

As part of its emerging Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet's approach in requiring contributions from new development.

On 21 February 2008, following public consultation, a Supplementary Planning Document "Contributions to Education" was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "Contributions to Library Services". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "Contributions to Health Facilities from Development". The SPD provides detailed guidance that supplements policies in the UDP and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Adopted) 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS15.

### Development Management (Adopted) 2012:

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.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM11, DM13, DM17.

### Relevant Planning History:

**Site Address:** The Dick Turpin Public House 383 Long Lane, London, N2 8JW  
**Application Number:** C04706B/03  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 20/06/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey side extension to provide new w.c. for the disabled.**  
**Case Officer:**

**Site Address:** Dick Turpin, 383 Long Lane, London, N2 8JW  
**Application Number:** F/04668/11  
**Application Type:** Full Application  
**Decision:** Approve following completion of Deed of Variation to the existing Section 106 Agreement  
**Decision Date:** 14/02/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Material minor amendment to planning permission Ref: F/03082/11 dated: for "Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats following demolition of the public house." Amendment to include: "Removal of one of the car lifts in the basement area and replacement with windows. Creation of additional bedroom in flat B at basement level and associated enlargement of front lightwell "**  
**Case Officer:** Junior C. Moka

**Site Address:** Dick Turpin, 383 Long Lane, London, N2 8JW  
**Application Number:** F/01075/12  
**Application Type:** Non-Material Amendment  
**Decision:** Refuse  
**Decision Date:** 23/07/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Non material minor amendment for the previously approved application Ref: F/03082/11 dated 4/11/2011 for "Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats**



**following demolition of the public house. Amendment to includes the addition of boundary railings."**

**Case Officer:** Junior C. Moka

**Site Address:** Dick Turpin, 383 Long Lane, London, N2 8JW

**Application Number:** F/02971/12

**Application Type:** Conditions 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:** **Submission of details of Conditions 3 (Levels), 4 (Materials), 6 (Refuse) and 8 (Contaminated Land), pursuant to planning permission F/04668/11 dated 14/02/2012.**

**Case Officer:** Junior C. Moka

### Consultations and Views Expressed:

Neighbours Consulted: 98 Replies: 7

Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Scale and appearance will result in a loss of privacy;
2. The obscures glazing condition doesn't protect the amenities of neighbouring occupiers;
3. The proposed changes will be visually harmful;
4. Overlooking;
5. Increased noise and disturbance resulting from the use of the balconies.

Date of Site Notice: 22 October 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site is a public house single family house at the corner of Long Lane and New Trinity. Most buildings in this part of East Finchley date from the Victorian period and vary in design. They include terraced houses on New Trinity Road and semi-detached houses on Long Lane. Overall, they form an attractive streetscene of which the pub forms an important feature. The pub is contemporary to surrounding Victorian buildings. The site currently has three vehicular accesses.

### Proposal:

The application relates to a material minor amendment to planning permission reference F/03082/11 dated 04/11/2011 for amendment to include 3no. first floor windows be changed to juliet balconies and a front boundary wall replaced with railings and hedges.

This current application follows the application F/04668/11 dated 14/02/2012 which was a material minor amendment to planning permission Ref: F/03082/11 dated 04/11/2011: for "Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats following demolition of the public house."

F/04668/11 differed from the previous approval F/03082/11 in the following areas:

1. Removal of one of the car lifts in the basement area;
2. Replacement with windows;
3. Creation of additional bedroom in flat B at basement level; and
4. Associated enlargement of front lightwell.

Both these two applications followed the approval of planning permission F/03082/11 dated 04/11/2011.

#### Planning Considerations:

The main issues are considered to be:

1. Whether harm would be caused to the character and appearance of the area and street scene as result of the amendments to planning permission F/03082/11;
2. Impact on the amenity of adjoining properties;
3. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
4. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
5. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

#### Amendments to F/03082/11 (original permission):

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses. The gardenscape should also be respected.

The proposed changes are minor in nature and these proposed alterations are considered appropriate in terms of their design and location, which ensures that the development overall is considered to be compatible with the surrounding area. The proposed railings and hedging would result in a suitable type of enclosure and would not harm the character and appearance of this part of East Finchley. The proposed fenestration would be in character with the approved building.

The proposed amendments in terms of their design and siting would not have a detrimental impact on the character of either permitted buildings or the area. The proposal would also comply with Council Policies that seek to preserve the amenities of neighbouring occupiers. The design and location is such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers.

The proposal would include works that are considered to be covered under the minor material amendment process, Section 73.

### Impact on the amenity of adjoining properties:

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported.

The proposed amendments are not considered to change the Local Planning Authority's view expressed on the previous two applications that the proposed development would not result in significant harm to the amenity of neighbouring residents. Overlooking standards of 21m between habitable rooms and 10.5m between habitable rooms and neighbouring gardens at ground and first floor level are met. It should be noted that the proposed balconies do not project past the rear building line and in fact are Juliet balconies. The degree of overlooking to neighbouring sites would remain as per the approved scheme.

### The Community Infrastructure Levy Regulations 2010:

The NPPF and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted.

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The Local Planning Authority acknowledges that the applicant did offer a signed Deed of Variation to the existing Section 106 Agreement to cover the financial contributions required as part of the previous approval. However, there is no record that payment has ever been received to cover this cost required:

1. Contributions education: £11,555 and a monitoring fee of 5%.
2. Contributions to library services: £973 and a monitoring fee of 5%.
3. Contributions to health facilities: £7,408 and a monitoring fee of 5%.
4. Contributions towards local parks: £3,500.
5. Contributions to monitoring fee of 5%: £1,171.80.

The NPPF sets out three policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122.

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

The same amounts towards education, library services, health facilities, local parks & monitoring fee of 5% previously advised remains the same. Therefore, mindful of this current application and the fact that payment as part of the original application, the total sum £24,607.80 for these contribution areas should be secured by another Deed of Variation to the existing Section 106 Agreement.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Having received amendments to this application and having attached conditions to this recommendation, it is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal as the principle of the development has already been approved.

### **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, the proposal as amended from the original approved scheme would ensure the protection and enhancement of the character and appearance of East Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. The proposed building would meet the council's sustainable objectives. This proposal is considered to comply with National, London Plan, and Council Policies and Guidelines.

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

**SITE LOCATION PLAN:** Dick Turpin, 383 Long Lane, London, N2 8JW

**REFERENCE:** F/03139/12



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**LOCATION:** 30 Grimsdyke Crescent, Barnet, Herts, EN5 4AG

**REFERENCE:** B/02356/12 **Received:** 18 June 2012

**Accepted:** 09 July 2012

**WARD(S):** High Barnet **Expiry:** 03 September 2012

**Final Revisions:** AGENDA ITEM 11

**APPLICANT:** Mr & Mrs Wood

**PROPOSAL:** New front porch. Single storey rear extension including raised patio with stairs, close boarded fence and privacy screen. First floor rear extension over existing flat roof, and alterations to main roof including increase to eaves height

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. SLP-001, PL101, PL103 and BA15440212/01 (received 18 June 2012), Drawing No BA15440212/02A (received 14 August 2012) and Drawing Nos PL102 Rev A and PL100 Rev A (received 7 September 2012).

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. The roof of the single storey rear 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.

5. Prior to the commencement of the development hereby permitted, details of the proposed privacy screen as shown on Drawing No. PL100 Rev B shall be submitted to and approved in writing by the Local Planning Authority. Submitted details shall include elevational drawings showing the height and design (including materials/appearance/finish) of the proposed privacy screen. The privacy screen shall thereafter be installed in accordance within the approved details and in the position shown on the approved drawing

prior to the first use/occupation of the single storey rear extension and extended patio and retained as such thereafter.

Reason:

To safeguard the character and appearance of the general locality and the amenities of adjoining occupiers.

6. 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 any time in the side elevations of the extensions hereby approved.

Reason:

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

### **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 Unitary Development Plan (UDP) (2006). In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D4, D5 and H27.

Supplementary Design Guidance Note 5: Extensions to Houses, and:

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

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

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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This proposal is considered to accord with Council 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 Government's 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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

#### 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.

#### Core Strategy (Adopted September 2012)

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy (CS) and the Development Management Policies Development Plan Document (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1 and CS5.

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

The Development Management Policies DPD is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adopted September 2012): DM01 and DM02.

#### Relevant Planning History:

<b>Application Number:</b>	N15861A/08
<b>Decision:</b>	Approve with conditions
<b>Decision Date:</b>	17/07/2008
<b>Proposal:</b>	<b>Single storey rear extension.</b>

### Consultations and Views Expressed:

Neighbours Consulted: 10

Replies: 5 letters of objection received.

Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

- The submitted survey drawings are inaccurate (Officer Note: The survey drawings were amended during the course of the application).
- Proposed extension would adversely affect the street scene and daylight received to neighbouring property.
- Increase in ridge height would result in the side element appearing too bulky, and would close the gap between the buildings.
- Proposed rear terrace would result in overlooking to neighbouring property.
- Proposed boundary fencing would dominate and overshadow rear garden of neighbouring property.
- Windows in first floor rear extension would overlook neighbouring property.

Internal /Other Consultations: None.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site contains a detached two storey dwelling, located toward the northern end of Grimsdyke Crescent. The application site is on ground which slopes down from south to north, such that the existing dwelling is at a higher level to No. 32 to the north.

### Proposal:

This application proposes a new front porch, a single storey rear extension including a raised patio area, a first floor rear extension and alterations to the eaves height of the existing side projection to the north of the dwelling.

The existing lean-to front porch roof is proposed to be replaced with a pitched roof 3.5 metres high. The position of the front door would remain unchanged.

The single storey rear extension would measure 1.8 metres in depth adjacent to the common boundary with No. 32, and project 4.7 metres away from that boundary before extending a further 2.4 metres rearward, and returning to adjoin the existing single storey rear projection. It would have a flat roof 3 metres high. The rear patio area would wrap around this extension, and would match the floor level of the main dwelling. The patio level would extend 1.5 metres rear of the extension adjacent to No. 32. It would then be set 2 metres from the boundary with this neighbouring property before extending a further 4.8 metres rear. The submitted plans note that the existing boundary fence would remain in place. In addition to this, a 2 metre high fence would be erected on the boundary with No. 32 where the patio extends adjacent to this boundary. The 2 metre set-in would include a 1.7 metre high privacy screen, as would the 4.8 metre rear-projecting element. These are intended to reduce overlooking from the application site toward the neighbouring property.

The proposed first floor rear extension would measure 1.4 metres in depth by 4.1 metres in width. It would have both ridge and eaves heights matching those of the main dwelling.

The alterations to the eaves level to the north of the dwelling will increase the height of the eaves such that they would match the eaves height to the main dwelling.

#### Planning Considerations:

The proposed single storey rear extension and patio, alterations to the front porch and first floor rear extension would not be clearly visible from outside the application site, and given their size and scale would not be detrimental to the character and appearance of the dwelling or the wider locality.

The increase to the eaves height of the two storey side projection would alter the appearance of this element. It is noted that the main roof to this element as existing has a ridge height matching that to the main dwelling. The eaves height would be increased to match that of the main dwelling, and this is to facilitate internal alterations to raise the floor levels to ensure internal floor levels match. The width of the extension would remain the same, and the spacing between the application dwelling and the neighbouring property to the north would remain as existing. The neighbouring property to the north is at a lower ground level to the application site, and there exists a natural step-down in heights between the buildings. The alterations to the eaves height would not remove this step-down, as the main buildings would remain at different heights. It is not considered that the alterations to the eaves height would result in the application dwelling appearing cramped within its plot, or detrimental to the character and appearance of the street scene. The Council's current Adopted Design Guidance would not require the dropped eaves height for an extension. It is therefore considered that the proposal would not be detrimental to the character and appearance of the dwelling, the street scene or the wider locality.

The proposed single storey rear extension would not project rear of the neighbouring property to the north, No. 32, and would not appear overbearing when viewed from this neighbouring property. The proposed rear patio would extend 1.5 metres rear of this rear extension adjacent to the common boundary with the neighbouring property. A 2 metre high fence panel would be constructed alongside this part of the patio. Whilst No. 32 is at a lower ground level, such that the proposed fence would appear taller than 2 metres, there is only a single fence panel proposed at this height and at this proximity to the neighbouring property, and it is not considered that this fencing would appear overbearing when viewed from No. 32. The remainder of the patio area would be set 2 metres from the boundary with No. 32, and enclosed by a 1.7 metre high screen. Given the distance between the proposed patio, the fence enclosure and the neighbouring property, it is not considered that the patio would appear overbearing or visually intrusive when viewed from No. 32. The proposed fencing as shown on the submitted plans can be secured by condition, and it is considered both reasonable and necessary to do so. Subject to this fencing and the privacy screen being provided, it is not considered that the proposal would adversely affect the privacy of the occupants of No. 32.

The increase to the eaves height to the north of the dwelling would increase the height of this flank wall when viewed from No. 32. However, given the depth and height of the existing wall, and taking into account the roofslope and the existing outlook from the side glazed kitchen door at No. 32, which is a secondary light source to the room it serves, it is not considered that the increase in roof height would have a significant detrimental impact on the amenities of the occupants of this neighbouring property.

The proposed first floor rear extension would have a limited rearward depth, with one window facing rear over the garden to the application site. This window is in a similar position to the rear-facing windows to the existing dwelling. It is not considered that this element of the proposal would appear overbearing or visually intrusive when viewed from any neighbouring property, and it would not adversely affect the privacy of the occupants of any neighbouring property.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Comments raised are addressed in the appraisal above. It should be noted that property values are not a material planning consideration.

### **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 proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.

**SITE LOCATION PLAN:** 30 Grimsdyke Crescent, Barnet, Herts, EN5 4AG

**REFERENCE:** B/02356/12



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**LOCATION:** Barnet ERUV

**REFERENCE:** B/03772/11

**Received:** 08 September 2011

**Accepted:** 20 September 2011

**WARD(S):** High Barnet, Oakleigh,  
Underhill

**Expiry:** 15 November 2011

**Final Revisions:**

**AGENDA ITEM 12**

**APPLICANT:** Trustees of The Barnet Synagogue

**PROPOSAL:** In connection with the creation of an Eruv\* in Barnet, the construction of pole and wire gateways, or 1m high posts known as 'lechi' at the following locations:

- 1:** Adjoining Queen Elizabeth's Girls' School and London Underground Limited Land, Meadway, EN5. (2no. 6m high poles with connecting wire).
- 2:** Hurst Rise adjacent to 48 Norfolk Road, EN5 5LU and 50 Norfolk Road, EN5 5LT. (2no. 6m high poles with connecting wire).
- 3:** Tudor Road EN5, fronting Treva Cottage, Tudor Road, EN5 5NL and Shakespeare Court, Woodville Road, EN5 5NB. (2no. 6m high poles with connecting wire).
- 4:** Junction of Latimer Road and Hadley Road, EN5, fronting Electricity Sub Station to the rear of 1 The Crescent, EN5 5QQ and 143 Hadley Road EN5 5QN. (2no. 6m high poles with connecting wire)  
Amended Plan Received.
- 5A:** Hadley Road, EN5. Between 113A and The Hadley Hotel, Hadley Road, EN5 5QN and adjacent to 102 Hadley Road, EN5 5QP. (2no. 6m high poles with connecting wire).
- 5B:** Tudor Road, EN5, fronting 2 Tudor Road, EN5 5PA, and adjacent to side boundary of 96 Hadley Road, EN5 5QR. (2no. 6m high poles with connecting wire).
- 6A:** Clifford Road, EN5. Fronting 1 Clifford Road, and between 2 and 4 Clifford Road, EN5 5PG. (2no. 6m high poles with connecting wire)
- 7:** Cromer Road, EN5. Fronting Cromer Road Primary School, EN5 5HT and adjacent to the side boundary of 24 Shaftesbury Avenue, EN5 5JA. (2no. 6m high poles with connecting wire).
- 8:** Shaftesbury Avenue, EN5. Fronting 10 Shaftesbury Avenue and between 11 and 13 Shaftesbury Avenue, EN5 5JA. (2no. 6m high poles with connecting wire).
- 9:** Between Ocean House and Bevatone House on footpath track adjacent to railway line, East Barnet Road, EN4 8RR. (2no. 3m high poles with connecting wire).
- 10:** East Barnet Road, EN4, under the railway bridge. (2no. 1m high Lechis).

- 11: Longmore Avenue, under railway bridge. (6no. 1m high Lechis)  
0: Barnet Hill, (A1000), EN5, under London underground bridge. (2no. 1m high Lechis)

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Barnet Eruv Locations; Arboricultural Implications Assessment Tree Protection Plan to Support the Planning Application for High Barnet Inspected and Prepared by Luke Fay Arboricultural Consultant dated May 2011 (Rev 1- April 2012); E-mail from Nina Jones Dalton Warner Davis LLP dated 15.11.11 Detailing Use of Translucent Fishing Wire Proposed, 0.5mm Diameter; Barnet Eruv General Location Plan; Map of Extent of Area Included in the Barnet Eruv; Barnet Eruv Meadway Site 1; Site 1- Meadway Photo with Poles Superimposed; Barnet Eruv Site 2 Norfolk Road and Hurst Rise; Site 2 Norfolk Road and Hurst Rise Photo with Poles Superimposed; Barnet Eruv Site 3 Tudor Road; Site 3- Tudor Road Photo with Poles Superimposed; Barnet Eruv Site 4- Rev 1 Hadley Road Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 15.11.11; Site 4 Hadley Road Photos with Poles Superimposed Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 15.11.11; Barnet Eruv Site 5A Hadley Road/ Tudor Road; Site 5A Hadley Road/ Tudor Road Photo with Poles Superimposed; Barnet Eruv Site 5B rev A Tudor Road/ Clifford Road Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 11.4.12; Site 5B- Tudor Road/ Clifford Road- Rev A Photo with Poles Superimposed Received Under Cover of E-Mail from Nina Jones of Dalton Warner Davis LLP dated 11.4.12; Barnet Eruv Site 6A Clifford Road; Site 6A Clifford Road Photo with Poles Superimposed; Barnet Eruv Site 7 Cromer Road; Site 7 Cromer Road Photo with Poles Superimposed; Barnet Eruv Site 8 Shaftesbury Avenue; Site 8 Shaftesbury Avenue Photo with Poles Superimposed; Barnet Eruv Site 9 East Barnet Road; Site 9 East Barnet Road Photo with Poles Superimposed; Barnet Eruv Site 10 East Barnet Road; Site 10 East Barnet Road Railway Bridge Photo with Lechis Superimposed; Barnet Eruv Site 11 Longmore Avenue Railway Bridge; Site 11 Longmore Avenue Railway Bridge Photo with Lechis Superimposed; Barnet Eruv Site 0 Barnet Hill; Site 0 Barnet Hill Photo with Lechis Superimposed.

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 poles hereby approved at site 4 rear of 1 The Crescent, site 5A adjoining 102 Hadley Road, site 5B fronting 2 Tudor Road and adjacent to side boundary of 96 Hadley Road, and site 7 adjacent to 24 Shaftesbury Avenue,



shall be treated upon installation with anti climb paint 2m above adjoining ground level. The anti climb paint shall be retained and maintained thereafter.

Reason:

In the interest of maintaining the security of the adjacent residential properties.

4. The development hereby permitted shall not begin until details of the external colour of the poles have been submitted to and approved by the Local Planning Authority.

Reason:

To safeguard the appearance of the locations.

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

Reason:

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

6. No site works in connection with the development hereby approved shall commence until a Detailed Arboricultural Method Statement, in accordance with the recommendations of the Arboricultural Implications Assessment Tree Protection Plan dated May 2011 (Rev 1 - April 2012), has been submitted to, and approved in writing, to the Local Planning Authority. All tree works shall be carried out in full accordance with the approved specification and the BS3998: 2010 Recommendation for Tree Works (or as amended).

Reason:

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

#### **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 Unitary Development Plan (2006). In particular the following policies are relevant:

#### The Mayor's London Plan: July 2011

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 7.19 Biodiversity and Access to Nature  
Policy 7.21 Trees and Woodlands

Adopted Barnet Unitary Development Plan (2006):

GBEEnv1 Character  
GBEEnv2 Design  
GBEEnv3 Safe Environment  
GBEEnv4 Special Area  
D2 Character  
D5 Outlook  
D9 Designing Out Crime  
D12 Tree Preservation Orders  
D13 Tree Protection and Enhancement  
HC1 Conservation Areas- Preserving or Enhancing  
HC5 Areas of Special Character  
M11 Safety of Road Users  
CS1 Community and Religious Facilities

Core Strategy (Submission version) 2011:

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  
CS10 Enabling Inclusive and integrated Community Facilities and Uses  
CS12 Making Barnet a Safer Place

Development Management Policies (Submission version)2011:

DM01 Protecting Barnet's Character and Amenity  
DM03 Accessibility and Inclusive Design  
DM06 Heritage and Conservation  
DM16 Biodiversity  
DM17 Travel Impact and Parking Standards

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

It is considered that the proposed 'gateways', by virtue of their siting and design, would not represent unduly intrusive additions in the street scene and would not result in an over proliferation of street furniture within the various townscapes. The development proposed at the location adjoining the Conservation Area would have a neutral impact on its character and appearance.

A summary of the development plan policies relevant to this decision is set out in Tables 1 & 2 below.

**Table 1: London Plan (July 2011) Policies**

<u>Policy</u>	<u>Key Requirements</u>
3.1 Ensuring Equal Life Chances for All	Proposals should protect and enhance facilities and services that meet the needs of particular groups and services. Loss of such facilities without justification or replacement should be resisted.
3.16 Protection and Enhancement of Social Infrastructure	Proposals that provide high quality social infrastructure will be supported in light of local and strategic needs assessments. Proposals that result in loss of social infrastructure in areas of defined need without re-provision should be resisted. Facilities should be accessible to all members of the community and be located within easy reach by walking, cycling and public transport. Multiple use of premises encouraged where possible.
6.10 Walking	Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2 An Inclusive Environment	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.
7.4 Local Character; 7.5 Public Realm;	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
7.8 Heritage Assets and Archaeology	Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. New development should make provision for the protection of archaeological resources, landscapes and significant memorials.
7.19 Biodiversity and Access to Nature	Proposals should: <ul style="list-style-type: none"> <li>- Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity.</li> <li>- Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife</li> </ul>

	<p>sites.</p> <ul style="list-style-type: none"> <li>- Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.</li> <li>- When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest the following hierarchy will apply, avoid adverse impact; minimise impact and seek mitigation; in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.</li> </ul>
7.21 Trees and Woodlands	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.

**Table 2: Barnet UDP (May 2006) Saved Policies**

<b><u>Policy</u></b>	<b><u>Key Requirements</u></b>
GBCEnv1 Character; GBCEnv2 Design; GBCEnv3 Safe Environment	<ul style="list-style-type: none"> <li>• Enhance the quality and character of the built and natural environment.</li> <li>• Require high quality design.</li> <li>• Provide a safe and secure environment.</li> </ul>
GBCEnv4 Special Area	Protect buildings, areas, open spaces and features of special value.
D2 Character	Protect or enhance local character and respect the overall character and quality of the area.
D5 Outlook	Adequate sunlight, daylight, privacy and outlook for adjoining and potential occupiers and users.
D9 Designing Out Crime;	Development designed to reduce crime and fear of crime.
D12 Tree Preservation Orders; D13 Tree Protection and Enhancement	<p>Trees –</p> <ul style="list-style-type: none"> <li>• Make Tree Preservation Orders if appropriate</li> <li>• Retain and protect as many trees as practicable</li> <li>• Ensure appropriate new planting</li> </ul>
HC1 Conservation Areas – Preserving or Enhancing	Development must preserve or enhance the character and appearance of conservation areas.
HC5 Areas of Special Character	Development which fails to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character will be refused.
M11 Safety of Road Users	The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.
CS1 Community and Religious Facilities	Community facilities should be appropriately located, not have demonstrably harmful impacts on character and amenity, be designed to be accessible by people with disabilities.

2. 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.

3. 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.
4. 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.
5. 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.
6. The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.
7. 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.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework (NPPF) dated 27/3/12

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document has replaced all PPGs and PPSs and 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 replacement 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. The following policies in the London Plan are relevant to this application:

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 7.19 Biodiversity and Access to Nature  
Policy 7.21 Trees and Woodlands

### Relevant Unitary Development Plan Policies:

GBEnv1 Character  
GBEnv2 Design  
GBEnv3 Safe Environments  
GBEnv4 Special Area  
D2 Character  
D5 Outlook  
D9 Designing Out Crime  
D12 Tree Preservation Orders  
D13 Tree Protection and Enhancement  
HC1 Conservation Areas- Preserving or Enhancing  
M11 Safety of Road Users  
CS1 Community and Religious Facilities

### Core Strategy (Adopted) 2012

### Development Management Policies (Adopted) 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the Unitary Development Plan (UDP) remain. The Core Strategy and Development Management Policies DPD will replace these 183 policies.

THE Core Strategy was adopted by the Council on 11 September 2012. It is now subject to 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

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

CS10 Enabling Inclusive and integrated Community Facilities and Uses

CS12 Making Barnet a Safer Place

The Development Management Policies document provides the boroughwide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies were adopted by the Council on 11 September 2012. It is now subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216 sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity

DM03 Accessibility and Inclusive Design

DM06 Heritage and Conservation

DM16 Biodiversity

DM17 Travel Impact and Parking Standards

Relevant Planning History:

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

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

W13797: Edgware Area Eruv. Approved 24.11.04

Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv) planning history

#### Eruv1

Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". 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. Refused 27/10/1993.

An appeal against the refusal of planning permission Eruv1 and Eruv2 was heard at a Public Inquiry in December 1993. On 20 September 1994 the Secretary of State for the Environment allowed the appeal 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. Approved 08/01/1997 and 7/7/1998.

#### Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community.

Two rounds of consultations have been undertaken, the first round comprised the standard planning consultation letter and some 125 replies were received.

A further round of consultation was then undertaken which specifically drew attention to the potential qualities impacts of the application and the provisions of the Equality Act 2010. As part of this consultative process consultees were requested 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.

This section of the report summarises the responses to both rounds of consultation.

#### First Consultation Round

Neighbours Consulted: 1418

Replies: 103

Neighbours Wishing To Speak: 11

101 letters of objection have been received. The objections may be summarised as follows (the number in brackets represents the number of occasions that particular comment was raised):

(1) The objection letters contained some 335 comments which suggested that overall from reading the objection letters and consultation responses it is clear there is a widely held and strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv. Consultees expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism



and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (93)
2. The potential imposition of religious symbols/designation on members of other faith groups and secular persons. (71)
3. Ecological concerns particularly about trees and bats. (9)
4. The visual impact on the street scene from having more street furniture (142) of which (7) were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles. (4)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion (16)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (5)
- The potential cost to the Council (3)
- Eruvim already exist elsewhere in the borough and neighbouring authorities (6)
- The extent of the consultation was inadequate (7)
- The Eruv is unnecessary and will only benefit a small minority (73)
- "Should consider the Eruv itself in full including its purposes and implications. (1)

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

- Objections on grounds of:

Parliamentary Legislation

- Race relations, race discrimination, religious discrimination and breaching equality legislations. (1)
- Barnet and eruvs – planning history and related issues. (1)
- Insurance – will the eruv be adequately insured and will TFL require the same indemnity and liability insurance as previously. (1)
- Perceived insecurity and related issues, it is important that social harmony is maintained across our diverse borough. (1)

- Race relations Act 1976 – not specifically about religious discrimination but this and other subsequent acts relevant when applications made by orthodox Synagogues for legal planning recognition of new, bounded, private domain areas in Barnet. (1)
- It applies as virtually all orthodox Jews in Barnet are described as “white in colour”. (1)
- The proposed eruv may also contravene the race relations (Amendment) Act 2000, the Human rights Act 1998 and the Equality Act 2008 and 2010. (1)
- The proposed eruv could result in direct and indirect discrimination (racial, religious or both) in respect of the buying or renting of property within an eruv although this is often hard to prove and act against.
- The proposed Eruv boundaries cannot be justified under either the race relations Act 1976 or the equality Act 2006 as the discrimination is not justified on non-religious or non-racial grounds. (1)
- The proposed eruv is not a proportionate means of achieving a legitimate aim as the area covered by the proposed eruv affects a much larger area and population who would not benefit from it.(1)
- There is potential within the existing and proposed Eruv boundaries for direct or indirect race or religious discrimination against individuals or groups who are not Orthodox Jews. The Council anti discrimination responsibilities do not only relate to those who apply for the Eruv boundaries. (1)”

As a result of the public consultation process 2 letters in support of the application were received.

The comments received in support of the application may be summarised as follows:- (the number of brackets represents the number of occasions that particular comment was raised).

- We support the Eruv (2)
- A great help to many young families and the disabled within the Orthodox Jewish community who, without the existence of the Eruv, would be housebound over the Sabbath. These include wheelchair users and mothers with small children (1)
- Live in Golders Green where we have an Eruv and it has changed the lives of my daughters (1)
- There has been no bother in the area and no one has said they have noticed it outside the community (1)

#### Internal /Other Consultations:

- Traffic & Development - raise no objections subject to informatives
- London Underground - Infrastructure Protection -
- UK Power Networks- Poles at site 4 would be located directly outside sub station. Consideration needs to be given to relocating the proposed site.
- EDF Energy Network - No reply received

- North London Strategic Alliance (NLSA) - No reply received
- Railtrack Property - No reply received
- Network Rail - No observations to make
- Railtrack PLC - No reply received
- Network Rail -Infrastructure Protection - No reply received
- Metropolitan Police Service (H) - No reply received
- Street Lighting - No reply received
- Federation of Residents Associations in Barnet - No reply received
- Barnet Residents Association - Particularly concerned about the impact on the Hadley Conservation Area which should be kept as free as possible from street clutter. Boundary seems arbitrary and illogical. Height of poles seems excessive.
- Hadley Residents' Association - No reply received
- East Barnet Parish Res.Assoc. - No reply received
- Oakleigh Pk Res Assoc - No reply received
- Monkey Hadley and Wood Street CCAC – Trying to de-clutter the area, not add to it. Why is the Eruv needed now and not many years ago? Believe that the Eruv will create anti-Semitic feeling in the area.
- Access in Barnet – No objection in principle but it needs to be ensured that poles do not narrow any pathway.
- The Council of Christians and Jews-see the allowing of Eruvim as part of the wider community's embrace and engagement with minority groups. The Eruv allows members of the Jewish community with poor mobility, for e.g. mothers with babies, people with disabilities and the elderly, greater access and mobility to attend their place of worship on the Sabbath.
- The Board of Deputies of British Jews [THE BOD] - has written in support of the application. It highlights the benefits of the Eruv to the Jewish Community and notes that concerns about the impact on the character and appearance of an area as well as the diversity of an area encompassed by an Eruv have not materialised in the existing Eruvim within the Borough, no concerns have been raised in meetings with other faith groups, the Eruv equipment is not identifiable as Jewish symbols, the best case for the Eruv is the successful operation of similar schemes elsewhere (a fuller summary is included as an appendix).

### The Second Round of Consultation (on equalities impacts)

The results of the second round of consultation in which neighbouring residents were reconsulted can be summarised as follows:

In response to the questionnaire, of the 92 questionnaires returned, 74 objected to the proposal, 9 were in support and 9 made no comment.

In addition to the questionnaires a further 16 letters of objection were received and these comments are also included in the following summary”

(1) The objection letters contained some 180 comments which reinforced some of the objections in the first round of consultation, that there is a widely held and

strongly expressed view that the creation of an Eruv could alter the character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv. Once again objections expressed the view that this, in turn, could undermine community cohesion, lead to a rise in anti-Semitism and create animosity by imposing religious symbols or designations on those who hold secular or other religious beliefs.

Within these responses the main objections can be summarised as follows (the number in brackets denotes the number of times that particular comment was raised)

1. Fears about the potential change to the character of the area caused by incentivising a particular religious minority to live there. (27)
2. The potential imposition of religious symbols/designation on non-believers. (50)
3. Ecological concerns particularly about trees, bats and birds. (3)
4. The visual impact on the street scene from having more street furniture (62) of which 2 were particularly concerned about the impact on the conservation area.
5. Potential obstruction to disabled people and other pedestrians from the Eruv poles etc. (3)
6. Concerns that Eruv will create anti-Semitic feeling and/or jeopardise community cohesion. (37)

Further responses objecting to the proposal can be summarised as follows:-

- The equipment would attract vandalism and other anti-social behaviour (5)
- The potential cost to the Council (9)
- Concerns about consultation (16)
- The proposed Eruv is unnecessary and will only benefit a small proportion of the population (28)
- Eruvim already exist elsewhere in the borough and neighbouring authorities (1)
- Property damage and adverse impact on property values (5)
- Adverse impact on residential amenity (2)
- Will cause difficulty in accessing garage (1)
- Should consider the Eruv itself in full including its purposes and implications. (1)

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

- Objections on grounds of:

#### Parliamentary Legislation

- Race relations, race discrimination, religious discrimination and breaching equality legislations. (1)
- Barnet and eruvs – planning history and related issues. (1)
- Insurance – will the eruv be adequately insured and will TFL require the same indemnity and liability insurance as previously. (1)
- Perceived insecurity and related issues, it is important that social harmony is maintained across our diverse borough. (1)
- Race relations Act 1976 – not specifically about religious discrimination but this and other subsequent acts relevant when applications made by orthodox Synagogues for legal planning recognition of new, bounded, private domain areas in Barnet. (1)
- It applies as virtually all orthodox Jews in Barnet are described as “white in colour”. (1)
- The proposed eruv may also contravene the race relations (Amendment) Act 2000, the Human rights Act 1998 and the Equality Act 2008 and 2010. (1)
- The proposed eruv could result in direct and indirect discrimination (racial, religious or both) in respect of the buying or renting of property within an eruv although this is often hard to prove and act against.
- The proposed Eruv boundaries cannot be justified under either the race relations Act 1976 or the equality Act 2006 as the discrimination is not justified on non-religious or non-racial grounds. (1)
- The proposed eruv is not a proportionate means of achieving a legitimate aim as the area covered by the proposed eruv affects a much larger area and population who would not benefit from it.(1)
- There is potential within the existing and proposed Eruv boundaries for direct or indirect race or religious discrimination against individuals or groups who are not Orthodox Jews. The Council anti discrimination responsibilities do not only relate to those who apply for the Eruv boundaries. (1)”
- Concern in respect to the wording of the questionnaire and the inclusion of the questions in respect of age, religion, ethnicity, address, etc.
- Security risk.
- Offensive to persons of other religions may be discriminating against persons of different religions.
- Concerns in respect of publicity given to the application in the public meeting organised by the applicants for a Sunday morning at 10am.
- The proposed Eruv would incorporate many residents who are not Jewish.

The comments in support of the application may be summarised as follows:

- It will not physically alter the character or appearance of the area (1)
- It will not cause any problems (2)
- 27% of UK Jews live in Barnet with possibly 18% of borough population in the locality is Jewish based on census predictions. Not to allow the Eruv would be discriminatory as it would prevent a significant number of young, elderly and disabled people enjoying religious freedom. (6)

Date of Site Notice: 29 September 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The proposed Eruv boundary would include much of New Barnet. The western boundary of the Eruv would be the Northern Line High Barnet branch, whilst the eastern boundary uses the overland railway line at New Barnet. The southern boundary will use the northern boundary of the proposed Woodside Park Eruv also on this agenda.

### Proposal:

An Eruv is a continuous boundary designated in accordance with Jewish Law. Whilst Jewish Law prohibits Orthodox Jews from carrying on the Sabbath, carrying is permitted within the defined boundary of an Eruv, as is the use of pushchairs, wheelchairs etc.

The Eruv boundary is formed by utilizing continuous local features such as fences or walls alongside roads, railways or terraced buildings. However, where this continuity is not possible due to breaks in the boundary, e.g. roads, then this breach must be integrated by the erection of a notional 'gateway'. Such a gateway consists of posts or poles linked on top by a wire or cross bar crossing the highway.

Two established Eruvs in the borough currently exist: The Edgware Eruv and the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv).

At all sites, common with the established Eruvs in the borough, it is intended that the poles will be erected flush (within 20cm) with wall or fence boundaries. The posts, which would have a dimension of 76mm, would be painted in a colour that best blends with the surroundings. 6m tall poles and wire gateways would be installed at 9 sites and a 3m tall poles and wire gateway would be installed at 1 site. In total, 18, 6m high poles and 2, 3m poles are proposed. The connecting wire would be translucent and 0.5mm in diameter.

Where available an existing structure, e.g bridges, over the roadway can be used in order to close a gap in the boundary. In these instances a small pole (1m in height) would act as a small symbolic doorpost attached to the side of the bridge or other

structure. The lechi would be screwed or otherwise attached to the vertical surface. Lechis are proposed at 3 locations.

### Highways Licence

The erection of the 'gateways' on the highway would require a licence under the Highways Act. It would 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.

### **3. PLANNING CONSIDERATIONS**

The proposed Eruv equipment is a form of built structure which fulfils a unique religious and Orthodox Jewish communal function. It falls to be considered against the relevant development plan policies.

Policy support for the principle of the proposal is found at UDP policies GCS1 and CS1 which seek to promote the provision of community and religious facilities to meet the needs of the borough's residents. Policy CS10 of the Adopted Core Strategy seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. 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 Eruv equipment 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 equipment.

Each of the proposed locations is dealt with individually below.

#### Site 1: Adjoining Queen Elizabeth's Girls' School and London Underground Limited Land, Meadway, EN5

The 6m pole to the north side of the Meadway would be sited outside QE Girls' School, approx 5m's from the entrance to the multi storey car park, fronting the bin store enclosed by a close boarded fence. The pole would not obstruct the required access to the store or the adjoining yard.

The 6m pole to the south side of the Meadway would front London Underground Limited (LUL) operational land. The adjoining trees, within LUL's property, are protected by a group TPO. The pole would be outside of the root protection area and canopy spread of the trees and no works to trees are required to facilitate the installation.

Whilst visible, the poles would be no more obtrusive than the existing lamp posts or street signage in the Meadway. It is considered that the introduction of 2 additional poles into this location, close to a traffic light controlled junction, would not detract from the street scene.

#### Site 2: Hurst Rise adjacent to 48 Norfolk Road, EN5 5LU and 50 Norfolk Road, EN5 5LT

Two 6m high poles with connecting wire are proposed to the east and west side of Hurst Rise close to the junction with Norfolk Road

The pole to the west side, adjacent to No. 50 Norfolk Road, would be at least 1m clear of the existing lamp post. The view towards Hurst Rise from the facing flank windows of the ground floor side extension to no 50 is largely obscured by the existing shed. The introduction of a pole, 4m's from the facing flank, would not detract unduly from the outlook and visual amenities currently enjoyed by the occupiers of no 50.

The pole to the east side would be adjacent to the flank boundary wall of the side garage to No. 48 Norfolk Road. There are no facing flank windows on no. 48. The pole would be sited north of the existing street sign.

Whilst the poles may be visible from the flank windows of no 50 Norfolk Rd, in light of existing lamp posts and other street furniture in the immediate locale, this does not amount to a compelling planning objection. Furthermore, it is considered that the poles and wire would not adversely effect the suburban street scene.

#### Site Specific Comments Received

9 replies received:

- Location is within 20m of my front door
- Object to the establishment of the Barnet Eruv as I would object to any display of ethnic, religious or political symbolism on my street corner
- Poles would be unsightly, extremely tall and higher than a 2 storey house
- One side of the road is significantly lower than the other which means the poles will be even higher to the south side
- Spoil the view from Hurst Rise over the valley
- Not a Jewish area but has a mix of religious faiths and development is not a necessity for neighbourhood
- Not keen on the crossing at Hurst Rise as frequently see high vehicles come down this short steep hill
- Possibly lead to a reduction in property values
- Wish to continue living in a non denominational road and community



- Proposal to use the frontage of my home has caused undue distress and the introduction of an Eruv will escalate the distress
- Pole will be directly in front of my lounge and 2 front bedroom windows
- Already have misfortune to look out at one directional post, 5 lampposts, 4 telegraph poles with overhead wires plus road marking. Street furniture and road markings have increased four fold in 29 years of residence. Money would be better employed putting telegraph wires underground and removing duplicated street lighting and unnecessary signage

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

- The poles do not display any religious symbols
- The poles would be viewed in the context of the neighbouring houses and would not exceed their height
- The introduction of 2 poles, with a diameter of 76mm sited at the back edge of pavement would be unlikely to detract from views across the valley
- If in the unlikely event that a vehicle exceeding 6m's were to pass beneath the wire it would break

#### Site 3: Tudor Road EN5, fronting Treva Cottage, Tudor Road, EN5 5NL and Shakespeare Court, Woodville Road, EN5 5NB

Two 6m high poles with connecting wire are proposed to the north and south side of Tudor Road approx 35m from the junction with Woodville Road.

The pole to north side would be sited between Treva Cottage and 10a Tudor Road, 1m clear of the crossover to no. 10a whilst ensuring that it would not be located directly in front of facing windows to either property. The pole would be within the root protection area to the hedge fronting Treva Cottage. The Arboricultural Implications Assessment notes suspected previous ground disturbance in this location, and concludes there is a low likelihood of significant roots presence. The Assessment concludes that no arboricultural works are required.

The pole to the south side would be located at the mid-point of the brick built refuse enclosure to Shakespeare Court (fronting Woodville Road). Access to the refuse store would be unaffected whilst a distance of over 1m to both adjoining dropped kerbs would be maintained.

The poles would be viewed in the context of existing lamp posts, a telegraph pole and street trees. The introduction of 2 poles and wire would not harm the character and appearance of the street scene, nor the amenities of nearby residents.

#### Site Specific Comments Received

1 reply received:

- Concerned that the works might disrupt the substantial underpinning work done to the front of my house and driveway due to the roots of a large Ash tree. The tree, which was removed in 1996, was sited in approx the same area where the Eruv pole is proposed.
- Pole will be visible from all front windows to house and will be unsightly

- Not a significant number of religious Jews living in the immediate area to warrant the erection of this structure

#### Comments on Grounds of objection

- The base support underground for the pole will, depending on location, consist of a 500mm diameter concrete core with a 900mm diameter excavation pit. The pit will be back filled with spoil and resurfaced to match existing. The works required, sited 1m from the boundary with 10A Tudor Road (the dwelling house is sited over 7m from the back edge of pavement) are very unlikely to disrupt underpinning works or cause property damage.

#### Site 4: Junction of Latimer Road and Hadley Road, EN5, fronting Electricity Sub Station to the rear of 1 The Crescent, EN5 5QQ and 143 Hadley Road EN5 5QN

Two 6m high poles with connecting wire, are proposed to the north and south side of Latimer Road, close to the junction with Hadley Road. The north side pole was originally proposed to be sited directly outside the sub station. Due to the siting of low and high voltage cables and a link box in the pavement on the south side of the road, amended plans have been submitted. The north pole as amended would be sited at the corner of the sub station whilst the south pole would be sited 1m in from the corner of 143 Hadley Road, on the 'chamfered' boundary of the property fronting the side detached garage.

This site adjoins but does not fall within the Monken Hadley 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.

It is acknowledged that the introduction of 2 poles, with the required wire span, would bring minor visual changes adjoining the Conservation Area. Whilst the poles would not positively preserve or enhance the area, it is considered that the poles would not have a material effect on the character and appearance of the area.

The pole adjoining the sub station would be sited over 25m from the rear facing windows to 1 and 2 The Crescent. The pole to the south would be visible from the side facing panes of the bay windows to no 143 Hadley Road sited approx 8m away. It is considered that the outlook and visual amenities of the occupiers of the neighbouring properties would not be compromised by the development proposed.

To ensure that the installation of the pole to the rear of 1 Crescent Road would not give rise to a risk of reduction in security to residents, the pole will be treated using anti-climb paint above 2m in height.

The Arboricultural Implications Report recommends the pruning back of branches up to 6.5m height (max) on a lime tree, approx 17m high, in the rear garden of 1 The

Crescent, to facilitate the installation of the pole and wire and to prevent future conflict as far as possible with the wire. The branches to be pruned will not exceed 5cm diameter. In addition branches will not be cut back beyond the boundary, unless permission is received from the tree owner. Whilst there is a likelihood of some encroachment within the Root Protection Area (RPA), the risk of significant damage can be minimised by the use of appropriate techniques which should be detailed in the required Detailed Arboricultural Method Statement.

#### Site Specific Comments Received

1 reply received

- Could the poles be positioned elsewhere rather than outside the electricity sub station where the posts would be in the middle of the view from my south facing windows, but 6m to the west where they would not be seen from my or other windows in the vicinity owing to the presence of trees?

#### Comments on Grounds of objection Not Addressed in the Appraisal Above

The pole would be sited over 25m's from the rear facing windows to 1 and 2 The Crescent which are sited on an elevated position, further reducing the visual impact. Further the canopy of the trees in the rear garden of no 1 The Crescent would provide a degree of screening, particularly when in leaf.

#### Site 5A: Hadley Road, EN5. Between 113A and The Hadley Hotel, Hadley Road, EN5 5QN and adjacent to 102 Hadley Road, EN5 5QP

The 6m pole to the west side of Hadley Rd would be sited on the boundary between the Hadley Hotel and 113A Hadley Road fronting a party wall. The adjoining outdoor seating area to the Hadley Hotel is enclosed by chain linked bollards. A lamp post is sited on the back edge of pavement at the mid point of the facing front elevation to no 113A.

The pole to the east side would front the close boarded fence enclosing the garden to 102 Hadley Road. The pole would be sited approx 6m's from the house.

It is considered that the poles could be accommodated in the locations proposed without undue impact on the visual amenities of the neighbouring occupiers or the character and appearance of the street scene. Whilst the location is not devoid of street furniture, the slim line poles, with translucent wire, would not result in undue clutter or over proliferation of street furniture.

To ensure that the installation of the pole adjacent to 102 Hadley Road would not give rise to a risk of reduction in the security of the householders, the pole will be treated using anti-climb paint above 2m in height.

#### Site 5B: Tudor Road, EN5, fronting 2 Tudor Road, EN5 5PA, and adjacent to side boundary of 96 Hadley Road, EN5 5QR

The proposed pole fronting the garden to 2 Tudor Rd would be sited approx 17m's from the dwelling itself. The pole would not obstruct access to the garage but would be sited at the back edge of pavement adjoining the close boarded fence. The pole

adjacent to the side boundary 96 Hadley Road would be sited approx 4m from the nearby lamp post. No works to trees would be required.

The poles would be conspicuous in this street scene, particularly on the north side of the road where there are no lamp posts (there are 3 lamp posts on the south side). It is considered, however, that they would not cause demonstrable harm to either its appearance or character and, by virtue of their siting at the back edge of pavement, would not intrude on the open aspect towards Tudor Park. The poles would not harm the amenity of residents living close by.

To ensure that the installation of the poles would not give rise to a risk of reduction in security to the neighbouring properties, the poles will be treated using anti-climb paint above 2m in height.

#### Site Specific Comments Received

1 reply received

- Planning application is poorly drafted and confusing
- Uncertain whether my house would be inside or outside the Eruv which might affect its value
- The Eruv pole could add to the difficulty I have backing my car out of my garage
- Overall the northern boundaries of the Eruv do not make sense. If an alternative set of boundaries were acceptable it might significantly reduce the 'gateways' required.

#### Site 6A: Clifford Road, EN5. Fronting 1 Clifford Road, and between 2 and 4 Clifford Road, EN5 5PG

The pole fronting 1 Clifford Road would front a garden shed sited approx 6m's from the dwelling. The pole diagonally opposite would be sited on the boundary between 2 and 4 Clifford Road. The pair of inter war semi detached houses are sited over 10m's from the highway.

Located close to the junction with Potters Road, there is a variety of street signage as well as lamp posts in the close vicinity. The pole positions, whilst visible from the neighbouring houses would not cause demonstrable harm to the visual amenities or outlook of the neighbouring residents.

#### Site 7: Cromer Road, EN5. Fronting Cromer Road Primary School, EN5 5HT and adjacent to the side boundary of 24 Shaftesbury Avenue, EN5 5JA

This location, close to the junction with Shaftesbury Ave, is busy in appearance, including safety railings, zig-zag markings, a traffic island with bollards, lighting columns and signage.

Fronting the school, the pole would be sited fronting the north eastern corner of the main school building, avoiding facing windows, approx 1.5m from a street lighting column.

Adjacent to the boundary with 24 Shaftesbury Avenue the pole would be sited adjacent to the rear corner boundary of the house with Cromer Road. To address

possible security concerns it is recommended that a condition be attached requiring that the pole be treated with anti climb paint above 2m in height. There is a mix of shrubs and small trees within the boundary of no. 24 which protrude above the fence line. The Arboricultural Implications Assessment confirms no works would be required to the trees and shrubs to facilitate the development. The pole would not intrude on the direct sight line from the dwelling's 1st floor flank windows and it is considered that the pole could be accommodated without undue detriment to the residents of no. 24.

The street scene would not be harmed by the introduction of the poles.

#### Site Specific Comments Received

2 replies received:

- Do not want the pole right up to our fence as it can then be climbed to look into or gain access to our property
- Have already experienced intruders and others trying to climb the fence
- Make us feel vulnerable and insecure
- Security is a major issue especially since the Council's recent removal of the street lamp
- Would also make maintenance of fence difficult
- In the current economic climate why not save money and use the existing lamp posts?
- Would like assurance that wire will not generate wind noise that will disturb our sleep
- The frontage of Cromer Road school will be spoiled by the inclusion of any structure at the front of this historic and characterful building

#### Comments on Grounds of objection

To address possible security concerns it is recommended that a condition be attached requiring that the pole proposed adjacent to the boundary with 24 Shaftesbury Avenue be treated with anti climb paint above 2m in height.

#### Site 8: Shaftesbury Avenue, EN5. Fronting 10 Shaftesbury Avenue and between 11 and 13 Shaftesbury Avenue, EN5 5JA

The pole to the east side would be located directly on the boundary between nos. 11 and 13 to ensure that the pole is not sited directly in front of facing windows.

On the west side of Shaftesbury Ave the pole would be sited 1m from the boundary between no. 8 and 10, to align with the flank building line of no. 10. The pole would not impede pedestrian access to the house nor would it be sited directly in front of facing windows.

The introduction of 2 poles and wire would not harm the street scene. Whilst the poles would be visible from the adjoining properties this is not considered to harm neighbouring residents' visual amenity or living conditions and no objection is raised in this regard.

## Site Specific Comments Received

1 reply received:

- Object to this application and do not wish to have an Eruv erected outside our home
- Detrimental to the local area and may attract vandalism
- An additional obstruction on the public highway when local government authorities are trying to reduce street clutter

## Comments on Grounds of objection

- It cannot be assumed that a new piece of street furniture would result in it being vandalised or graffiti.
- The pole would be sited at the back edge of pavement, as per street lighting columns, and would not cause an obstruction.

## Site 9: Between Ocean House and Bevatone House on footpath track adjacent to railway line, East Barnet Road, EN4 8RR

A gateway is required to the track located between Lytton Road and the railway line.

The poles and wire would be sited at the East Barnet Road end of the track, between the newly constructed office block and flats. The poles siting would be sensitive to the location of facing windows.

The track has no identified classification and may be network rail land. The track is only suitable for pedestrians so a maximum height of 3m is proposed.

The appearance of the footpath track, the enjoyment of users and the visual amenities of neighbouring occupiers would not be compromised by the size and siting of the poles.

## Site 10: East Barnet Road, EN4, under the railway bridge

Two Lechi posts, 1m in height, are proposed approx mid way under the East Barnet Road railway bridge. The posts, with a depth and height of mm, would be fixed directly to the bridge arch with no excavation required.

By reason of their size and siting, the posts would be minor incidental additions to the street scene and would not cause harm to the character of the road or the free passage of pedestrians.

## Site 11: Longmore Avenue, under railway bridge

The bridge over Longmore Avenue has 2 pedestrian and one vehicular arches. The vehicular arch has no pavement and the lechis to either side of this arch would be 35mm wide and 7mm deep. The 4 lechis to either side of the 2 pedestrian paths would be 1m high with a depth and height of 5mm.

By reason of their size and siting, the posts would be minor incidental additions to the street scene and would not cause harm to the character of the road or the free passage of vehicles and pedestrians.

## Site 0: Barnet Hill, (A1000), EN5, under London underground bridge

Two Lechi posts, 1m in height, are proposed approx mid way under the London Underground bridge at Barnet Hill. The posts, with a depth and height of 5mm, would be fixed directly to the bridge arch with no excavation required.

These minor additions would not have a perceptible impact in this location and would be acceptable in the street scene. The narrow pavement on the north side of the road is not sufficiently wide to accommodate pedestrians. The pedestrian pavement to the south side is generous in width and would allow for the installation of the post without impediment to pedestrians.

### Nature Conservation

A general comment has been raised in respect of the potential concern about the possible effect the equipment could have 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 Direction contains a range of prohibition 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 Direction 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. Given the lack of evidence and the nature of the site an Ecological Assessment was not required.

## 4. EQUALITIES AND DIVERSITY ISSUES

### Summary of the Provisions of the Equality Act

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 applicant's statement, which is attached as an appendix, states that the Barnet Synagogue is an Orthodox Jewish Community and as such it is assumed that its members observe Jewish Law. 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 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.

Information provided by the applicant, advises that Barnet Synagogue has 900 members in 550 households, 71 of these households have members who are over 75 years of age and 26 of these households have children aged 4 years or under. So the total of elderly, children and children's parents who would benefit from the introduction of an Eruv is around 240.

The overwhelming majority of Jewish people who completed the equalities questionnaire were in favour of the proposal. As can be seen from the earlier section the most common points made in favour were the benefits that would accrue to the young, the disabled and the elderly.

#### 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 92 questionnaires that were returned completed 52 (56%) were completed by persons within these groups. The most commonly represented faith group within this section were Christians who completed 46 (88%) of this group of questionnaires of which 36 out of 46 (78%) objected to the proposal.

A breakdown of the 52 questionnaires returned by persons within these groups show that a total of 42 objections were raised (80%), 7 (13%) made no comment and 3 (6%) supported the application.

The main objections raised by members of these groups relate to the potential negative effect that the introduction of the eruv equipment would have on their own religious beliefs. In particular concerns were raised that the eruv would be imposed on the whole community, the majority of whom do not share the religion or beliefs of the Jewish community. It was also suggested that the Eruv would enclose non-Jewish residents within a Jewish boundary it was feared that this would incentivise members of that particular minority moving to the area leading to a demographic change and change in the character of the area. Consultees from other faith groups pointed out that there is no need for the Eruv given the relatively small number of Jewish residents in the area. A significant proportion of the objectors felt strongly that the proposal would adversely affect their religious beliefs which are protected characteristics.

Officers recognise the strength of feeling 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, leci, gateways and wire 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 Council of Christians and Jews has written in support of the proposal. It commented on the advantages that the proposal would have for members of the Orthodox Jewish community with poor mobility. The CCJ "see the allowing of Eruvim as part of the wider community's embrace and engagement with minority groups". They added that the intention to always make the Eruv poles as

unobtrusive as possible and that the poles are not very obtrusive at all. Whilst most of the CCJ's comments related to the benefits of the proposal to the Jewish Community it is notable that the CCJ submissions did not raised any particular objections on behalf of the Christian community. This indicates that at least certain sections of the Christian communities may have no particular objections to the scheme.

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. The operation of these Eruvim provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

The presence of other eruvim has been referred to in a letter from the Board of Deputies of British Jews (The BOD) which is summarised in the appendix. The comments relevant to this section of the report are as follows:-

- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- The Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- The Community security Trust records anti-Semitic incidents in the K. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings at senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made aware of any objections from these groups to an Eruv
- From experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.

- The best case for an Eruv in Barnet is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

Officers do not have any evidence to contradict the points raised by the BoD in respect of the operation of the existing Eruvim in the borough. In the process of the consideration of this application officers have visited these Eruvim and would support the comments made in respect of their assimilation into the general street scene.

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 and the Day of Atonement.

### Secular Groups

This group includes Atheists, Agnostics and Humanists. A total of 28 [30%] completed questionnaires were received from members of these communities, all except 1 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

The particular concerns raised by members of this group were that it would raise secular tensions, promotes inequality and imposes religious beliefs on other persons.

These concerns were raised in 14 (50%) of the responses, as such it is evident that a significant number of persons in this group consider that the proposal adversely affects their protected characteristics.

It is evident from the first round of 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 widely held views by those who responded to the consultation process.

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 were completed and returned by disabled persons equating to 8% of the overall total returned, 1 of the questionnaires (12%) was completed by a member of the Jewish community. The applicant and 3 other consultees support the scheme on the grounds of the benefits which would accrue to disabled persons as a result of the Eruv namely being able to attend the Synagogue to worship on the Sabbath.

7 responses were received from Non Jewish disabled persons of which 2 objected to the proposals, 3 response made no comment. A further 2 questionnaires in support of the proposal were received from non Jewish disabled persons. None of the objections raised concerns about any specific detrimental impacts 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.

Access in Barnet have been consulted and raise no objection in principle provided that the poles do not narrow any footway.

In considering concerns that the proposed Eruv equipment could create a hazard to disabled persons using the highway, officers accept that this is a significant and valid concern. Officers consider however that the sites for the equipment have been carefully chosen so as to prevent such situations 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 proposed. As can be seen from their comments reported earlier, the impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration. Similarly TFL have been consulted and have raised no objections to the proposal. 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.

Officers also consider that having visited the individual sites and having considered the proposed siting of the Eruv equipment, any impact on the safety of disabled members of the community would be mitigated by the combination of the size and design of the equipment and its location.

The impact of the existing Eruvim on the health and safety of disabled members of the community should also be taken into account when considering these issues. From the information provided by the applicant, which is not contested by the Highways Group, there is no evidence that there have been any incidents of the Eruv equipment causing an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of Eruv equipment 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 the siting of the Eruv equipment 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 take part in religious services at the synagogue.

The introduction of the Eruv allows elderly Orthodox Jews to participate in religious and communal activities more easily.

Information provided by the applicants indicated that there are some 71 households with members aged 75 years or older who would potentially benefit from the proposal.

Of the 7 questionnaires completed by members of the Jewish community, 4 (57%) were completed by elderly persons of which 3 (75%) supported the proposal. 1 of the respondents supporting the application did so citing the improvement to their quality of life that the Eruv would bring. The remaining respondents made no comment.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise as far 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 also have potential negative impacts as in the previous section but it is considered that these concerns have been addressed by the previous comments.

The proposal would have clear and significant benefits for elderly member 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.

One of the questionnaires returned by Jewish members of the community was from a member with young families; and supported the proposal.

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

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

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

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

It is considered that the planning application itself provides an opportunity for inter religion understanding to be promoted. The 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. The LPA's consultation exercise involved some 1400 local residents.

The applicants, as part of the pre application consultation, held a public meeting in December 2010 and explained the operation and details of the Eruv to non-Jews who attended and the Council is advised that no objections were made at the meeting.

The Board of Deputies for British Jews is particularly engaged with inter faith dialogue, with regular meetings at all levels and no objections have ever been made to an Eruv.

The experience of the successful operation of Eruvim continues to foster good relations between Jews and non Jews.

#### 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 physical equipment does not constitute development for the purposes of the Town and country Planning Act 1990. The application comprises pieces of street furniture, cylindrical poles joined at the top by thin wire, hardwood uprights and lintels, and 1m high posts known as Leci.

Besides the 'gateway' constructions proposed, there are no physical manifestations delineating the Eruv boundaries. The 'gateways' would not display any signage or religious symbol. The fears expressed that the development would alter the

character of the local area by incentivising members of a particular minority to settle in the area encompassed by the Eruv have not been borne and in the parts of the borough which currently have Eruvim and it is considered that the benefits to the identified protected groups would outweigh the perception of harm.

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.

### Conclusion

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advise 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. Concerns which have been raised in respect of the potential impact on wildlife and European Protected Species have been addressed.

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 application is considered to be acceptable and approval is recommended.

## **Appendix**

### **Applicant's Statement**

To address the provisions of the Equality Act the applicant has submitted the following statement:

#### **Section 149(1)(b) – Age and Disability**

Woodside Park Synagogue and Barnet Synagogue are constituent members of the United Synagogue, which is an organisation founded with the sanction of an Act of Parliament in 1870. It takes its religious authority from the Chief Rabbi of Great Britain and the Commonwealth, currently Lord Sacks, and is thus an Orthodox Jewish community.

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 (from dusk on Friday to dusk on Saturday) and on the Day of Atonement. This prohibition has a number of adverse effects on the very young, the very old and the disabled as follows.

Parents cannot put their baby or young child in a pram or pushchair and take them to the synagogue. Nor can they take them to the homes of friends for lunch or tea or, for example, to a birthday party. As a result, children aged four and under will be housebound, as will at least one of their parents, unless their parents are willing to transgress Jewish law. Thus parents with, say, three children aged 6, 3 and 6 months will find that, as a family, they are effectively housebound for a period of some ten years. The Sabbath is an ideal time for families with young children to socialise and the inability to do so without transgressing Jewish law is a severe hardship.

The very old will often walk with the aid of a walking-stick, either because they need to or because they feel more secure in doing so. However, they cannot do so without transgressing Jewish law.

Disability can take many forms. Those whose disability affects their walking will require an appliance, such as a walking stick, Zimmer frame or wheelchair, to get out and about. However, they cannot take any appliance into the street without transgressing Jewish law. If their disability requires medication to be carried, such as pills or a nebuliser, this also cannot be done unless the absence of the medication would be life-threatening. Even an everyday matter, such as carrying a pair of reading glasses in one's pocket, cannot be done when out walking.

Section 149(1)(b) of the Equality Act provides that LBB must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons whose age or disability puts them at a disadvantage to others. Section 149(3) explains that this involves having due regard to the need to remove or minimise disadvantages suffered by such persons, to take steps to meet the different needs of such persons and to encourage such persons to participate in any activity in which their participation is disproportionately low. Section 149(4) explains that to meet the needs of the disabled, the steps to take are those that take their disabilities into account.

Each year currently and for many years past, Woodside Park Synagogue has a total of about 25 Barmitzvahs (for boys) and Batmitzvahs (for girls). So the cohort of children in each year group is about 25. Therefore at any given time there will be about 100 children aged from 0 to 4, spread between at least 50 families.

As at the 31<sup>st</sup> December 2010 the age profile of Woodside Park Synagogue's membership was:

<u>Age</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
21 - 30	31	34	<b>65</b>
31 - 40	107	110	<b>217</b>
41 - 50	103	121	<b>224</b>
51 - 60	128	128	<b>256</b>
61 - 65	71	78	<b>149</b>
66 - 70	37	57	<b>94</b>
71 - 80	89	104	<b>193</b>
81 - 90	46	94	<b>140</b>
91 - 100	14	21	<b>35</b>
100+	0	2	<b>2</b>
unknown	1	6	<b>7</b>
0 - 4	50	50	<b>100</b>

It can immediately be seen from this table that the Synagogue has 370 members aged 70 years and over.

One can therefore calculate that the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 600.

Barnet Synagogue has 900 members in 550 households. 71 of these households have members over 75 years of age and 26 of these households have children aged 4 years or under. So the total of the elderly, the children and the children's parents who could be adversely affected by the absence of an Eruv is in the region of 240.

This total of about 840 for Woodside Park and Barnet Synagogues is not, however, the full story. There are in addition many more families who have their grandchildren and/or their elderly parents come to stay with them over a weekend. They are adversely affected on Friday night and Saturday in exactly the same way and thus a significant number of people are disadvantaged for the relatively small area concerned.

We have asked a number of our members who are elderly, disabled or have young children to write personal letters explaining how their age or the age of their children or their disability currently puts them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgress Jewish Law. And to explain how the creation of an Eruv would remove or minimise that disadvantage, would meet their different needs, would take their disabilities into account and would encourage them to participate in activities from which their participation is currently precluded by the age or disability. We attach their letters and emails to this Response as **Appendix A**.

We have asked a number of individuals living in North West London or Edgware who are elderly, disabled or had or have young children, to write explaining how – before their local Eruv was constructed - their age or the age of their children or their disability put them at a disadvantage to others on the Sabbath and on the Day of Atonement unless they transgressed Jewish Law. And to explain how – since the construction of their local Eruv – their Eruv has removed or minimised that disadvantage, met their different needs, took their disabilities into account and encouraged them to participate in activities from which their participation was previously precluded by age or disability. We attach their letters and emails to this response as **Appendix B**.

Finchley Central Synagogue of Redbourne Avenue N3 lies just to the north of the existing NW London Eruv and hence outside it. However, it will fall within the Woodside Park Synagogue Eruv and hence supports it. The impact of the Eruv on the Jewish community may be seen clearly and starkly as regards the members of this Synagogue. Although the Synagogue has long had an attractive and purpose-built synagogue building in Redbourne Avenue, for the last three years it has ceased to hold services on the Sabbath in its building and has instead held services in Pardes House School premises, which are at Church End and hence are within the NW London Eruv.

As can be imagined, abandoning the attractive synagogue building in favour of a school hall was not an easy (or in some circles popular) decision. However, it became a necessity because families with young children simply could not get to the synagogue building on the Sabbath and were therefore deserting the community. Following the move, dozens of young children and their parents now attend the services. We attach a letter from Rabbi Yaakov Hamer of Finchley Central Synagogue to this Response as **Appendix C**.

#### **Section 149(1)(c) – Fostering good relations**

The section requires that LBB must also, in the exercise of its functions, have due regard to the need to foster good relations between persons who share a relevant protected characteristic, such as the Jewish religion, and persons who do not share it. Section 149(5) states that this involves having due regard to the need to tackle prejudice and promote understanding.

The planning applications for the Eruvs provide a classic opportunity for inter-religious understanding to be promoted by LBB. Most non-Jews were unaware of the concept involved and all who have had it explained to them have been supportive. The Totteridge Residents Association and the Totteridge Manor Association, were both consulted by Woodside Park Synagogue before its application was submitted and neither has raised any objection. The Woodside Park Residents Association was notified of this application by LBB. They discussed it and again raised no objection.

24. In addition, Woodside Park Synagogue advertised in the local Press and convened a public meeting in December 2010 and explained the operation and details of the Eruv to the non-Jews who attended. Again, there were no objections.

Totteridge Ward Councillors, Brian Coleman and Alison and Richard Cornelius have all been consulted about the Eruv and have been supportive, as has local MP Teresa Villiers.

The Board of Deputies of British Jews works widely with representatives of other faiths. The Board is ideally placed to know whether Eruvs have caused any disquiet within or objection from other faith groups. The Board's letter, attached to this Response as **Appendix D**, confirms that this has not been the case.

Parliament contemplated that some might consider that minority interests were being given unduly favourable treatment. Accordingly, section 149(6) of the Act provided as follows:

- (6) *Compliance with the duties in this section may involve treating some persons more favourably than others;*

It is also the case that LBB has the largest concentration of Jewish residents in the UK. This may explain why some Barnet residents have a perception that the Jewish community is being given more favourable treatment than others. However, that perception is merely a reflection of the ethnic make up of the Borough and is unjustified when viewed objectively and in proper perspective. For example, many streets in the Borough, including Golders Green Road, are adorned with Christmas lights each year and church bells ring out their message far and wide.

Jewish Law permits one to carry from Eruv to Eruv so long as they are contiguous. The Woodside Park Synagogue Eruv will be contiguous with the NW London Eruv and with the Mill Hill Synagogue Eruv. The Barnet Synagogue Eruv will be contiguous with the Woodside Park Synagogue Eruv and the Cockfosters & N Southgate Synagogue Eruv. Accordingly, when the Woodside Park Synagogue Eruv is operation Jewish families with their young children, as well as the elderly and disabled, will be able to visit family and friends in High Barnet, Cockfosters, Hendon or Mill Hill. The numbers involved, whilst not large, will be significant in relation to the geographical area involved. Correspondingly, without the Woodside Park Synagogue Eruv this contiguity will be lost, to the detriment of these families.

52 days a year presumably refers to every Friday night and Saturday. This represents one half of the weekend and thus one half of most people's leisure time, which is a significant amount of time. The Day of Atonement should also be included, and this is the most solemn day in the Jewish calendar.

With two exceptions, where the Planning Officers specifically requested rustic poles and lintel, all the poles will be indistinguishable from existing signage poles found on roadsides. They will be painted grey-green to match such sign age poles and will be visually innocuous. There will be just 3 sets of poles in Wood side Park, 6 sets in Totteridge and 8 sets in the High and East Barnet areas and they will not have any adverse visual impact in either locality.

Under Jewish Law, the poles have to be placed right next to an existing wall or fence. They cannot be placed on the kerb (as are many lampposts, telegraph poles and trees) and therefore they cannot and will not constitute an obstruction to free passage or a hazard to the disabled. Indeed, in the 9 years that the NW London has

been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs. We attach a letter from the Court of the Chief Rabbi (Lord Sacks) to this Response as **Appendix E**.

In many cases, the poles will not be on the pavement at all. For example, of the 3 sets in Woodside Park, none will be on the pavement. And in Totteridge, only 2 sets will be on the pavement.

The Woodside Park Synagogue and its members would not wish to do anything that might upset the congregation of St Andrew's Church.

Before submitting its planning application, Woodside Park Synagogue carried out a formal pre-planning consultation with LBB Planning Officers. This involved visiting each proposed site and receiving the Planning Officers' detailed written report.

One of the sites proposed by Woodside Park Synagogue was on Totteridge Lane, right outside St Andrew's Church. It had been selected because it was the only site on Totteridge Lane that did not involve placing a pole on, or passing a wire over, the grass verges, which are privately owned by the Totteridge Manor Association. The Planning Officers recommended that we chose a different site, so as not to intrude on the Church. We acceded to their request and found two alternative sites on Totteridge Lane; one on a TMA grass verge adjacent to Eagle House, some 70 metres from the Church, the other opposite the junction of Northcliffe Drive, some 200 metres from the Church. The Planning Officers saw no problem with either of these alternative sites.

Having obtained TMA consent to the placing of a pole on their verge, our planning application was only in respect of this first alternative site. However, if 70 metres from the Church is still regarded as too close, we are perfectly content to use other alternative site, opposite the junction of Northcliffe Drive. To this end, on 17 January 2012, we submitted an amendment to our original application to include this alternative site. We attach a copy of this amendment as **Appendix F**.

We are sensitive to the feelings of our Christian neighbours and we believe that 200 metres from the Church and concealed by trees fully satisfies any legitimate objection.

It is not accurate to describe a plain green-grey pole, with an invisible fishing-line wire at the top and with no other adornment, as a 6m high Jewish symbol. The pole carries no Jewish symbols whatsoever and is indistinguishable from other street furniture.

It may be the case that the creation of an Eruv will encourage Jews to live within it rather than outside it. However, no measurable shift in the location of the Jewish population is anticipated for one fundamental reason. Namely, that most of the North and North West London Jewish communities now have an Eruv or are proceeding towards obtaining one. Thus Eruvs have been constructed for North West London (Hendon, Finchley Central and Golders Green), Edgware, Stanmore and Elstree & Borehamwood. And Eruvs are in progress for Mill Hill, Barnet, Cockfosters & North Southgate and elsewhere. With all the major communities having Eruvs, there is



simply no reason for significant demographic movement and no expectation that this will occur.

In fact, because of their low birth rate, inter-marriage and emigration, the Jewish population of the UK is shrinking overall. Even with an Eruv, this trend is likely to continue.

It is not fair or accurate to describe the poles as anti-Christian. They are neither visually anti-Christian nor are they symbolic of any anti-Christian sentiment. In fact the poles have no intrinsic religious significance whatsoever. An Eruv is created when an area is enclosed by a wall or fence. For the most part, the walls and fences enclosing all the Eruvs that have been created worldwide comprise existing features, such as walls and fences along or around roads, railways and buildings. Poles and wires just bridge the gaps between these walls and fences. However, neither these walls nor fences nor poles have any intrinsic religious significance, symbolism or sanctity.

A grey-green pole no more forces religious beliefs on to others than a telegraph pole forces someone to install a telephone. Indeed, the poles are far less intrusive and have no religious symbolism when compared to say Christmas lights or church bells. Within a few weeks, the poles will become an accepted part of the streetscape and will be forgotten. We have asked many people to identify the location of any of the NW London Eruv poles, which have been in situ for about 9 years. None has been able to, even though, once we have pointed out some locations, they admit to having driven between them on a daily basis.

Section 149 of the Equality Act 2010 came into force in April 2011. Since that date, planning permission has been granted for the Manchester Eruv by each of Salford, Bury and Manchester Councils. In each case there was opposition on human rights, conservation, religious and animal welfare grounds. However, notwithstanding these objections, and no doubt mindful of the provisions of section 149, planning permission was granted by each Council, the most recent being Salford in December 2011. We attach a copy newspaper report about the Manchester Eruv to this Response as **Appendix G**.

## **Conclusions**

The construction of the Woodside Park Synagogue and Barnet Synagogue Eruvs will significantly enhance the lives of many hundreds of Jewish residents of the London Borough of Barnet who, either because of their young age cannot be taken out on Friday night, Saturday and the Day of Atonement because they require a pram or push-chair, or, because of their old age or disability, cannot go out on these days because they need a wheelchair, walking-stick or medication. The construction of the Eruvs will accordingly advance equality of opportunity between these persons, who share the relevant protected characteristic of age or disability, and persons who do not share it. As such, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(b) of the Equality Act 2010.

The construction and operation of Eruvs in NW London, Edgware, Stanmore and Elstree & Borehamwood over the past 9 years have not given rise to any objections from other faith groups, who generally have been keen to encourage inclusive religious practice. No objections have been raised by local Residents Associations to

the proposed Woodside Park Synagogue and Barnet Synagogue Eruvs and the small number of poles required in order to construct these Eruvs will have no material impact on the other residents of the Borough. In these circumstances, the applications made by Woodside Park Synagogue and Barnet Synagogue meet the criteria in section 149(1)(c) of the Equality Act 2010.

## Appendix A

34 letters of support from members of the Woodside Park Synagogue. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- The disabled will be able to carry/ use required aids such as walking sticks, wheelchairs, handkerchiefs and medicine without transgressing Jewish law (19)
- Disabled and elderly would be able to fully participate in Jewish life on the Sabbath, socialise and attend services (10)
- Synagogue has a membership of 860 families and a number of elderly and young are affected (1)
- Need special prayer book for high festivals but am unable to carry this. Must make a special journey before and after to deliver and collect (2)
- children cannot be pushed in a pushchair meaning members cannot attend synagogue until the children are old enough to walk (19)
- Lack of an Eruv prevents socialising with friends and family on a Sabbath as journey impossible without a buggy (18)
- When children were growing up we were unable to attend synagogue or social activities for 8 years. Would not wish children and grandchildren to be similarly disadvantaged. (1)
- Eruv would benefit those with young children (8)
- 27% of the UK's Jewish population lives in Barnet (20% of the local population). Not allowing an Eruv may be discriminatory in that it prevents a substantial number from enjoying rights to religious freedom (1)
- 
- Young Jewish families would be forced to move to nearby communities that already have an Eruv (1)
- Garden is not enclosed so am unable to carry anything into the garden or allow granddaughter to be wheeled out in pram (1)
- 
- Unable to carry an umbrella so heavy rain can impede walking (1)
- 
- Reading glasses could be carried (1)
- Approval of the Eruv will enable the synagogue to comply with section 149 of the Equality Act 2010 which will prevent members being disadvantaged through age or disability (1)

## **Appendix B**

3 letters of supports from individuals living in the borough of Barnet in areas within an Eruv. The comments may be summarised as follows (the number in brackets represents how many times this has been raised in the letters):

- Before the Eruv were unable to push children in buggy. Following the introduction of the Eruv the synagogue became accessible (2)
- Eruv allows young family to visit parks, family and socialise on the Sabbath (2)
- Eruv removed disadvantage when children were young (1)
- Eruv enables the disabled to fully participate in the community (1)

## **Appendix C**

Summary of letter from Rabbi Hamer Finchley Central Synagogue:

- Approx 3 years ago, following a steady decrease in activity and membership, the synagogue moved Sabbath services to a location within the North West London Eruv.
- Previously the synagogue had been unable to attract families with young children or the elderly who needed wheelchair assistance.
- Following the move the synagogue has been able to attract young families and now have 2 children's services on the Sabbath.
- Elderly members of the community have been able to attend
- Additional families have caused a rejuvenation in the synagogue which would not have happened if synagogue has stayed in old location

## **Appendix D**

Summary of letter of support from the Board of Deputies of British Jews (The BoD):

- Endorse the response from the Woodside Park synagogue regarding Section 149 of the equality Act 2010.
- the advantages to those who use the Eruv are considerable and life changing
- The disadvantages often cited by objectors do not materialise once the scheme is in place
- Most people will be unaware and unconcerned about the existence of an Eruv
- the Eruv centred on Golders Green has operated without any disruption whatsoever for some years now
- Whilst the duties under the Equality Act may be new or enhanced the material facts to which regard must be had remain the same
- The BoD represents all Jews in the country, including the non Orthodox and the secular, for whom the Eruv is an irrelevance or something to which they object

- Some Jewish people feel that an Eruv draws attention to the Jewish community and oppose its introduction
- In the experience of the BoD these fears have proved unfounded
- the Community Security Trust records antisemitic incidents in the UK. There is nothing to suggest that the existence of an Eruv in London has exacerbated this threat.
- Also not aware of any vandalism directed at street furniture connected with Eruvs
- BoD is particularly engaged with inter faith dialogue with regular meetings at senior level with other faith communities, and encouragement of dialogue at church, mosque, gurdwara and temple level. At no time have BoD been made aware of any objections from these groups to an Eruv.
- from experience would say that other faith groups are keen to encourage inclusive religious practice rather than discourage it, and this would enhance communal relations.
- The physical manifestations of the Eruv are not identifiable as Jewish symbols but are inconspicuous pieces of street furniture.
- Never been made aware of any incidents where a sight impaired or otherwise disabled person has been inconvenienced, still less injured, by the existence of an Eruv.
- Provision has been made to ensure that this remains the case. The rules for the construction of an Eruv are pragmatic and flexible and it is a requirement in Jewish law that nothing should be done or left undone that might cause injury to another person.
- The existence of an Eruv will make life more tolerable for religiously observant Jews who are disabled or have young children. They will be able to leave home, attend synagogue and visit friends and family.
- Can be argued that Section 149 of the Equality Act favours the establishment of facilities that would assist those with the dual protected characteristic of being Jewish and disabled for example
- With regard to the suggestion that an Eruv will lead to a concentration of Jewish families and a form of segregation, there is no evidence for this whatsoever. Religiously observant families will choose to be within walking distance of a synagogue and an Eruv simply provides the opportunity for those with special needs or circumstances to avail themselves of the same facilities as other family or community members.
- The best case for an Eruv in Woodside park is the successful operation of similar schemes elsewhere where the only impact has been the very positive effect on the lives of those for whom this is an issue.

## **Appendix E**

Summary of letter of support from the Court of the Chief Rabbi

- have been asked to clarify the issue of positioning of Eruv poles and whether they are likely to create a hazard for the blind and disabled.
- Under Jewish Law the poles are required to be positioned directly adjacent to the wall, fence or hedge at the side of the pavement and are thus extremely unlikely to create any kind of obstruction
- In the 9 years that the NW London Eruv has been operational, there has not been a single such incident. Nor have there been any incidents involving the poles of the Edgware, Stanmore or Elstree & Borehamwood Eruvs
- One of the great advantages of the Eruv is to better facilitate the movement of the disabled and infirm of the Jewish faith on the Sabbath.
- There is often a degree of flexibilities to the precise position of a pole, so that if in a particular scenario there was any concern in this regard, we expect to be able to find an alternative position so as to avoid any potential problem.

## **Appendix F**

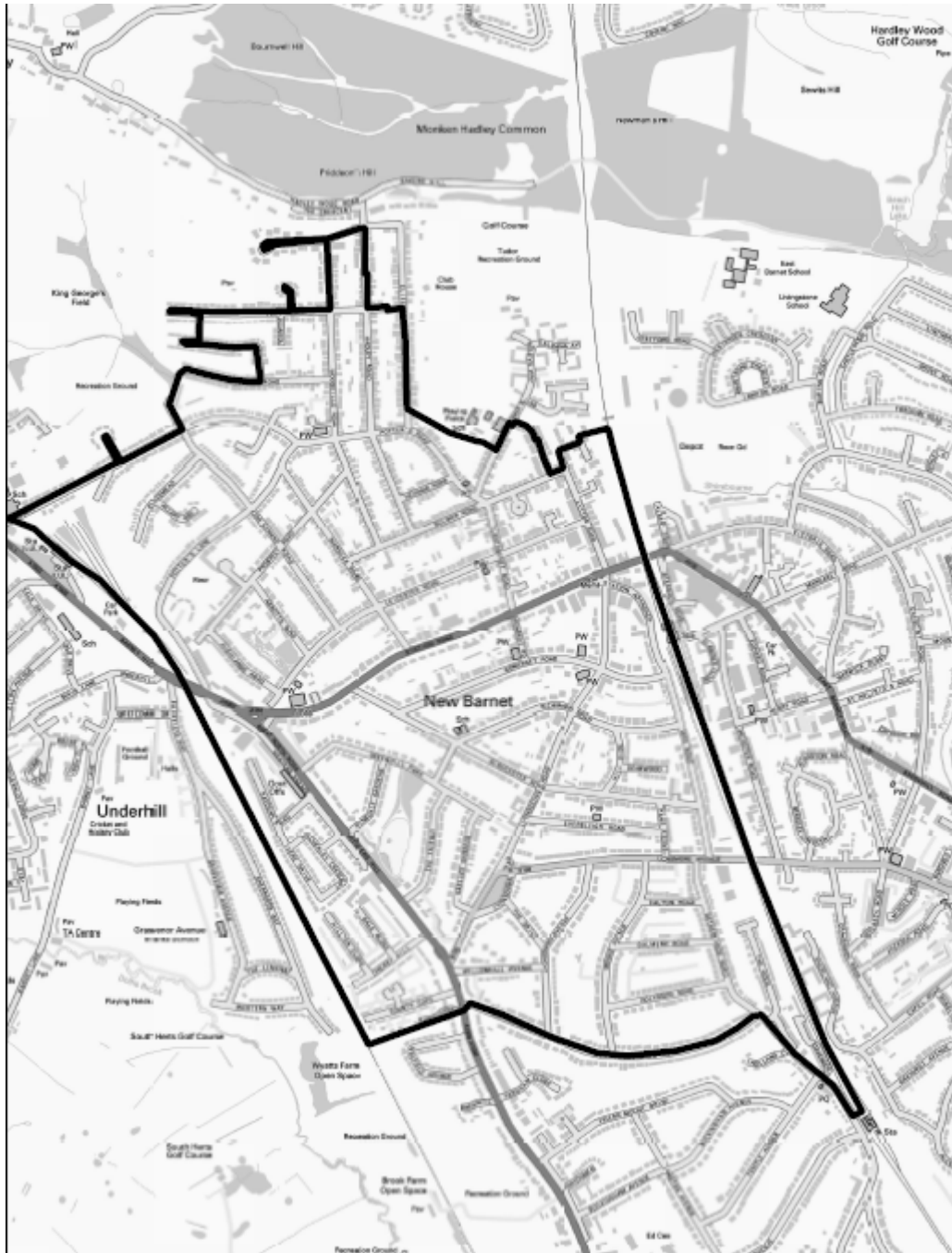
Details of alternative site 22 sited 200 metres from St Andrew's Church.

## **Appendix G**

Newspaper report from the Jewish Chronicle regarding the recently approved Manchester Eruv.

**SITE LOCATION PLAN: Barnet ERUV**

**REFERENCE: B/03772/11**



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**LOCATION:** Unit 1 Tally Ho Corner, 9 Nether Street, London, N12

OGA

**REFERENCE:** F/02609/12

**Received:** 10 July 2012

**Accepted:** 16 July 2012

**WARD(S):** West Finchley

**Expiry:** 10 September 2012

AGENDA ITEM 13

**Final Revisions:**

**APPLICANT:** Copper Brown LLP

**PROPOSAL:** Change of use from A1 (Retail) to (Recording Studio).

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 15057 AK9001; supporting statements and submissions; RBA acoustics sound insulation issues- preliminary review; Martyn Gerrard marketing letter; quarterly property review 2009; Martyn Gerrard property particulars.

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 premises shall be used for a recording studio and no other purpose (including any other purpose in Class Sui Generis of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

4. The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the recording studio as measured within the adjacent habitable rooms of the development known as 100 Kingsway shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm 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 the use commences.

Reason:

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

5. The use hereby permitted shall not operate before 7am or after 12am on weekdays and weekends. The use shall be closed on public and bank holidays.

Reason:

To safeguard the amenities of adjoining properties.

6. The floor layout of the unit at ground and first floor on the hereby approved plans must not be changed.

Reason:

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

7. No drums and other percussive instruments will be recorded on site after 11pm.
8. The number of people on site associated with the recording studio use on the ground and first floor will be a maximum of 15 people at any one time.

Reason:

To protect the residential amenities of the neighbouring occupiers.

#### **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 Unitary Development Plan (2006).  
In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, D2, GParking, ENV12, M14, CS10 and GEMP3, GEMP4 and EMP2.

Core Strategy (Adopted) 2012:

CSNPPF, CS1, CS5, CS8.

Development Management Policies (Adopted) 2012:

DM01, DM02, DM04.

- 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 UDP policies 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.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

### The Mayor's London Plan: July 2011

### Relevant Unitary Development Plan Policies:

GSD, GBEnv1, D2, GParking, ENV12, M14, CS10 and GEMP3, GEMP4 and EMP2.

### Core Strategy (Adopted) 2012

### Development Management Policies (Adopted) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy (CS) is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CSNPPF, CS1, CS5, CS8.

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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

### Relevant Development Management Policies:

DM01, DM02, DM04.

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/02084/11
<b>Validated:</b>	26/05/2011	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	02/08/2011
<b>Summary:</b>	APC	<b>Case Officer:</b>	Elizabeth Thomas
<b>Description:</b>	Change of use of part of first floor for mixed flexible class D1 (Non-Residential Institutions) / Class B1 (Office) use.		

### Consultations and Views Expressed:

Neighbours Consulted: 284      Replies: 5  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Operating a 24 hour 7 day a week basis will cause noise nuisance and disturbance to the residents.
- Noise from vehicles loading/unloading, people talking, doors slamming, car stereos playing and vehicles revving engines at 3am will cause a disturbance.
- Customers will congregate to smoke outside late at night.
- Leakage of noise and vibration.
- Noise breakout.
- Movement of sound equipment at any time at day and night.
- Vibration of noise from instruments is amongst hardest to mitigate.
- DDA regulations require businesses to make reasonable provision for access. No provision to incorporate a lift peculiar given a disabled WC on first floor.
- Visual aspect at street level- concerns that windows will be screened which is contrary to Mayor of London's Outer London Fund.
- No parking facilities.
- No vehicle access.
- Illegal loading and unloading and parking outside premises may lead to blocking of buses and emergency vehicles.
- Gathering of members of the press or public who wish to catch sight of artists using studio.
- Area is subject to police concern over use by youths and others taking and dealing drugs and illegal street drinking, use as a recording studio may attract this particular the night use.

### Internal /Other Consultations:

- Transport for London - No response.
- Highways - No objection

Date of Site Notice: 06 September 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application unit is sited on the corner of Ballards Lane and Nether Street and is

situated within a mixed development comprising of commercial, business and residential premises. The development also comprises of a bus waiting area and basement car parking. The application unit is located next to Aldi supermarket and the Arts Depot.

### Proposal:

The proposal seeks to change the existing use of the property from an office to a recording studio.

### Planning Considerations:

The main planning considerations are whether or not the proposed use as a recording studio is acceptable in this part of North Finchley, whether or not any harm would be caused to surrounding properties and any impact on the highways to allow the change of use to take place.

### Character of the area

The application site is located within the Tally Ho development which is a mixed use development comprising of commercial and residential use with the upper floors being self contained units. A bus depot and basement car park also form part of the development. The building is surrounded by town centre uses including retail shops, restaurants, takeaways and bars/pubs. The proposed use as a recording studio of the vacant unit is therefore not considered to be out of character with surrounding area.

### Principle of change of use

Martyn Gerrard estate agents have submitted details of the advertising of the unit. Martyn Gerrard have been marketing the property since 2009 through advertising boards on the building, national websites, the property has also appeared Martyn Gerrard's quarterly review, whilst there has been some interest in the property the unit has remained vacant. It has also been confirmed by the estate agents that the unit has not been occupied since the property was constructed in 2004. In addition, given the existing mixed use nature of the development it is not considered that in this instance the proposed use would be harmful.

The proposal will be an employment generating use and is considered to be in compliance with policy CS 8 – Promoting a strong and prosperous Barnet

The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement. We will support Barnet residents in accessing work by:

- Delivering 1,500 new jobs in our growth areas of Colindale and Mill Hill East by 2021 and a total of 20,000 new jobs in Brent Cross-Cricklewood by 2026
- Attracting business growth as part of Brent Cross - Cricklewood with further provision in the other growth areas and town centres to meet the forecast demand for business space of 13.5 ha (161,000m<sup>2</sup>) by 2026 requiring major developments to provide financial contributions and to deliver employment and training initiatives in consultation with the Skills Development and Employability Group;

- working in partnership with the Skills Development and Employability Group in delivering the skills agenda required for a growing borough in a successful London suburb
- We will support businesses by:
  - safeguarding existing employment sites that meet the needs of modern business in accordance with Policy DM14 New and Existing Employment Space.
  - encouraging development that improves the quality of existing employment provision
  - encouraging new mixed use commercial floorspace in our priority town centres (Edgware, North Finchley, Finchley Church End and Chipping Barnet) where access to public transport is good
  - in order to support small to medium sized enterprises new employment provision should include a range of unit sizes and types such as affordable and flexible workspaces and home working

### Noise and disturbance concerns

Concerns have been raised by some neighbouring residents in relation to noise levels generated by such a use. The unit is proposed to be built as a room within a room to ensure sound is isolated. The applicant has also indicated that drums and percussive instruments will only be recording on the ground floor which will be built on a floating floor. A floating floor is built upon rubber pads, which stops direct contact with the concrete floor. A condition has been imposed on the application to restrict the recording of drums and other percussive instruments after 11pm when the neighbouring Arts Depot closes.

A preliminary review from acoustic consultants has been submitted alongside the application, this indicates that the unit has been laid out to the live rooms/control rooms on both floors where higher level noise is generated will be on the eastern end of the unit. This arrangement has been used to ensure these rooms are located away from the existing glazed facade to ensure that breakout via the glazing of the property is minimised. A condition has been attached to prevent the internal layout of the unit from being altered to ensure this remains the case.

The environmental health team have reviewed the application and consider with suitably attached conditions the proposed use would not harm the surrounding residential occupiers.

The proposal is considered to comply with policy DM04 which relates to environmental considerations in development, in part the policy states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Whilst the proposed recording studio is in close proximity to noise sensitive residential flats, mitigation measures have been suggested to prevent harm to the residential occupiers, including insulation, floor layout and conditions.

## Highways concerns

The traffic and development team have reviewed the application and have made the following comments.

- The site is located in an All Day Controlled Parking Zone, there are public car parks and on-street Pay by Phone parking bays available in the vicinity of the site;
- There are `At Any Time` waiting and loading restrictions in place on roads fronting the site;
- The site is situated within an Arts Depot Complex;
- The site is located in a Town Centre location with good local amenities;
- The Public Transport Accessibility Levels (PTAL) score for the site is 4 and therefore benefits from good public transport facilities;
- Although a 24 hour use is proposed it is unlikely to generate any detrimental impact on public highway;

It is acknowledged that objections have been raised relating to people loading and unloading, however, restrictions to loading and parking immediately surrounding the building already exist around the development to prevent problems arising from people using the site.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

### **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 UDP policies 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 in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:** Unit 1 Tally Ho Corner, 9 Nether Street, London, N12 0GA

**REFERENCE:** F/02609/12



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**LOCATION:** 101 Brent Way, London, N3 1AR

**REFERENCE:** F/03309/12

**Received:** 26 August 2012

**Accepted:** 28 August 2012

**WARD(S):** West Finchley

**Expiry:** 23 October 2012 **AGENDA ITEM 14**

**Final Revisions:**

**APPLICANT:** Mr Wardman

**PROPOSAL:** Single storey rear and front porch extension. First floor side extension with pitched roof. Removal of one existing roof light.

**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; Sustainability Checklist; Drawing no. 300/12/01 (date received 26-Aug-2012); Drawing no. 300/12/02 RevB (date received 08-Oct-2012).

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. 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.

5. 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 any time in the side elevations, of the extension(s) hereby approved, facing no. 99 or no. 103 Brent Way.

Reason:

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

## **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 Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character), GBEnv2 (Design), D1 (High Quality Design), D2 (Built Environment / Character), D5 (Outlook) and H27 (Extensions to Houses and Detached Buildings), and:

Supplementary Design Guidance:

Barnet Design Guidance Note 5 – Extensions to Houses, Barnet Design Guidance Note 11 - Porches.

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Adopted)2012:

Relevant Policies: DM01, 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 UDP policies 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 in keeping with Council Policies and Guidelines.

## **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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses

Design Guidance Note No 11 - Porches

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.

#### Core Strategy (Adopted) 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

#### Development Management Policies (Adopted) 2012:

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.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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

## Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/03309/12
<b>Validated:</b>	28/08/2012	<b>Type:</b>	HSE
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Denisse Celi
<b>Description:</b>	Single storey rear and front porch extension. First floor side extension with pitched roof. Removal of one existing roof light.		

## Consultations and Views Expressed:

Neighbours Consulted:	11	Replies:	8
Neighbours Wishing To Speak	0		

The objections received can be summarised as follows:

- First floor side extension will be out-of-keeping with streetscene and character of area;
- No other property has been extended this way;
- First floor extension is overdevelopment, disproportionate and spoil symmetry of pair of houses;
- First floor extension will block space between properties and result in loss of light to garden;
- Side extension fails to respect appearance & pattern of surrounding buildings;
- Proposals make the house too large for plot; one of smallest plots on street and already most extended;
- Drainage of water will be affected as rear extension will cover nearly a third of garden;
- Loss of light to adjoining gardens;
- Overlooking due to rear extension causing loss of privacy;
- Building on boundary will make wall impossible to maintain;
- Porch will overshadow and alter the appearance of house to the detriment of its 'twin'
- Argument that house has poor circulation & cramped as existing is not valid as it is already larger on the ground floor than other houses on the road;
- Create precedent.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a two storey semi-detached dwelling with rooms in roofspace on the north-western side of Brent Way within that West Finchley Ward. The property is not listed and it is not in a Conservation Area.

### Proposal:

The applicant seeks planning permission for a single storey rear extension, new front porch, first floor side extension and removal of existing rooflight on front roof slope.

The porch is 2.35 metres wide and 1.1 metres deep. The porch would have a dual pitched roof with a maximum height of 3.1 metres and an eaves height of 2.3 metres. It is considered to be a subordinate addition and is not considered to be out of character as there are other examples of similar porches. Due to its modest height and projection, it is considered acceptable.

The first floor side extension is 1.5 metres wide and is 7.5 metres long. It will be set back from the front elevation by 1 metre and away from the boundary with no. 103 by 1 metre. Furthermore, the ridge of the extension is set lower than the ridge of the main dwelling by 0.5 metres and the roof pitch is the same as the pitch of the main roof. Due to the siting of the proposed extension away from the boundary and the set back from the front wall the extension it is not considered that it will result in a loss of light to the adjoining neighbours and will not be detrimental to the appearance of the host property or the character of the streetscene.

The rear extension will be 3.5 metres deep and 8.6 metres long following the removal of the existing rear conservatory along the boundary with no. 99. The original rear wall of the host property is set back from the rear wall of no.103 by 1.75 metres, therefore the proposed extension will project by 1.75 metres from the rear wall of no.103. Moreover, the extension will have a flat roof with a height of 2.6 metres to match the height of the existing side projection.

Due to the change of levels on site, the applicant proposes a new raised patio with a depth of 1.6 metres and height of 0.45 metres. Following amendments, landscaping will be added at the patio level along both boundaries to prevent overlooking onto either neighbouring property.

The removal of the front rooflight is considered acceptable and will not be harmful to the appearance of the host property.

#### 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.

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 of the Unitary Development Plan (2006) states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of

the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

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 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**

The objections have been addressed in the report 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 UDP and Local Plan policies 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:** 101 Brent Way, London, N3 1AR

**REFERENCE:** F/03309/12



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**LOCATION:** 20 Ballards Lane, London, N3 2BJ

**REFERENCE:** F/03767/12

**Received:** 05 October 2012

**Accepted:** 05 October 2012

**WARD(S):** West Finchley

**Expiry:** 30 November 2012

AGENDA ITEM 15

**Final Revisions:**

**APPLICANT:** Mr Kouzar

**PROPOSAL:** Change of use of rear office space within the existing premises from (Class A1) retail use to a mini-cab office (Sui Generis).

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Email from Paul Chrysaphiades of Domus APM dated 15 October 2012 at 14:49; Plan No: B001.

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. All mini cabs shall be managed remotely using electronic equipment such as radios, or PDAs in order to discourage associated vehicles from waiting in the vicinity of the mini cab office to collect passengers and from creating additional parking demand on roads in the vicinity of the site.

Reason:

To ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies M11 and M12 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

4. No intercom equipment shall be placed outside the premises which would enable customers to contact the office.

Reason:

To protect the local residents from on-street parking stress, to ensure free movement of traffic, and the safeguard of the amenities of occupiers of surrounding residential properties.

5. No waiting area within 100 metres of the minicab office shall be provided for either minicab drivers or customers.

Reason:

To protect the local residents from on-street parking stress, to ensure free movement of traffic, and the safeguard of the amenities of occupiers of surrounding residential properties.

6. The internal layout of the proposed premises shall remain as shown on the hereby approved plan B001. The use of the office as a mini cab office shall at all times be ancillary to and occupied in conjunction with the main use of the premises as a (Class A1) retail unit.

Reason:

To ensure the vitality and viability of the Church End Town Centre.

7. No driver of any vehicle used in connection with the permitted use shall visit the premises for the purpose of waiting or taking orders and instruction, collecting clients from the premises, or any other purpose.

Reason:

To protect the local residents from on-street parking stress and to ensure free movement of traffic in accordance with Policy M12 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

#### **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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012). In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, ENV12, M11, M12, TCR10, TCR14.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5, CS9.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM11, DM17.

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

- Having taken all material considerations into account, the proposal is in line with the Council's town centre policies and would not detrimentally impact on the residential amenity of neighbouring residents. The application is not considered to harm the vitality and viability of the Church End Town Centre.

## 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<sup>th</sup> March 2012. This is a key part of the Governments reform 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 a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### The Mayors 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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18<sup>th</sup> May 2006, replacing the original UDP adopted in 1991.

On 13<sup>th</sup> May 2009 the Secretary of State for communities and Local Government issued a direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case are: GBEnv1, GBEnv2, D1, D2, D3, D4, ENV12, M11, M12, TCR10, TCR14.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment

opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Adopted) 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.

#### Development Management (Adopted) 2012:

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.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM17.

## Relevant Planning History:

**Site Address:** 20 Ballards Lane, London, N3 2BJ  
**Application Number:** F/05111/11  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 05/03/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Change of use from existing (Class A1) use shop to a mini-cab office (Sui Generis).**  
**Case Officer:** Junior C. Moka

## Consultations and Views Expressed:

Neighbours Consulted: 149      Replies: 9  
Neighbours Wishing To Speak 1

The summary of the objections received at the time of writing this report:

- Parking and road congestion problems;
- Safety concerns in this location due to unsociable activities;
- Loss of privacy;
- Noise from customers and cars would greatly increase were this mini cab office be allowed planning permission.

## Internal /Other Consultations:

### Traffic & Development

Include a condition that vehicles in connection with the proposal will be managed remotely to prevent waiting and parking in the vicinity of the site.

### Environmental Health

Approve subject to conditions.

Date of Site Notice: 11 October 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is located on Ballard Lane, Church End by the junction with Hervey Close. Finchley Central Station is within walking distance of the site. The application site is a three storey building with roof space. The area consists of mainly small retail units with what appears to be residential units above.

20 Ballards Lane is a ground floor retail unit with residential accommodation above. The unit is part of the Church End Primary Retail frontage. The existing shop has a Class A1 (Retail).

### Proposal:

The proposal is for the change of use of a rear office space within the existing premises from (Class A1) retail use to a mini-cab office (Sui Generis).

The applicant has provided additional information to confirm their proposed method of operation as follows:

The office will be used to call minicabs drivers and provide logistic management. It is not proposed to create a mini cab waiting point on either Ballards Lane or on Hervey Close. Mini cab drivers will be based at their home address and radioed instructions of the job details.

#### Planning Considerations:

As stated above, the application site is located within the Church End Primary Retail Frontage. Council Policy (TCR10) states that within primary retail frontages, changes of use at ground floor level from use Class A1 (Shops) to other uses will not be permitted if the town centres vitality and viability will be harmed or where the combined proportion of class A1 use and vacant units would fall below 75%.

A recent shopping survey shows that the current level of A1 units and vacant units within the Church End Primary Retail Frontage is currently below 75% (at 59.22%). However, the frontage of the premises is not changing. The only change this application site will see is the change to a rear office, this argument is to be dismissed.

The Council considers that the vitality and viability of its town centres can be maintained and enhanced by ensuring the retention of a strong retail function, while also accommodating a diverse range of uses, where appropriate. Class A1 shops should usually underpin the vitality and viability of the borough's town centres and the Council seeks to regulate the balance of uses in town centres in favour of A1 retail use.

The Council's concern to maintain a healthy balance between retail and service uses in the town centre is reflected in the UDP & Local Plan policies.

The proposal also considered to comply with TCR14 which states that, the council will permit proposals for minicab offices where all of the following criteria are met:

1. They will not cause undue harm to residential amenity; and
2. They will not generate an unacceptable increase in traffic or in on-street parking; and
3. They will not prejudice highway safety; and
4. They will not disrupt the free flow of road traffic and pedestrians.

No external changes will be made to the shop and the proposal is therefore not considered to affect the general streetscene.

The proposal is promoted on the basis of no over the counter ordering and limited access by drivers, reflected in the proposed condition prohibiting waiting room and facilities for customers and drivers.

The council do not consider the change of the rear office to pose any impact on the vitality and viability of the Church End Town Centre. However, it would be very difficult to prevent causal customers from calling into the office to order a vehicle or drivers visiting in certain circumstances, such as to pay their rents.

In relation to the protecting the amenities of residential units within the proximity to from noise and disturbance, particularly during unsocial hours the LPA do not consider that the nature of this proposal as outlined in the submitted documents with this application will lead to increased safety concerns in this location due to unsociable activities.

The application has been considered acceptable by the Highways Team and as such is considered to comply with National, London Plan, and Council Policies and Guidelines.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The majority of these have been considered in the main report.

### **4. EQUALITIES AND DIVERSITY ISSUES**

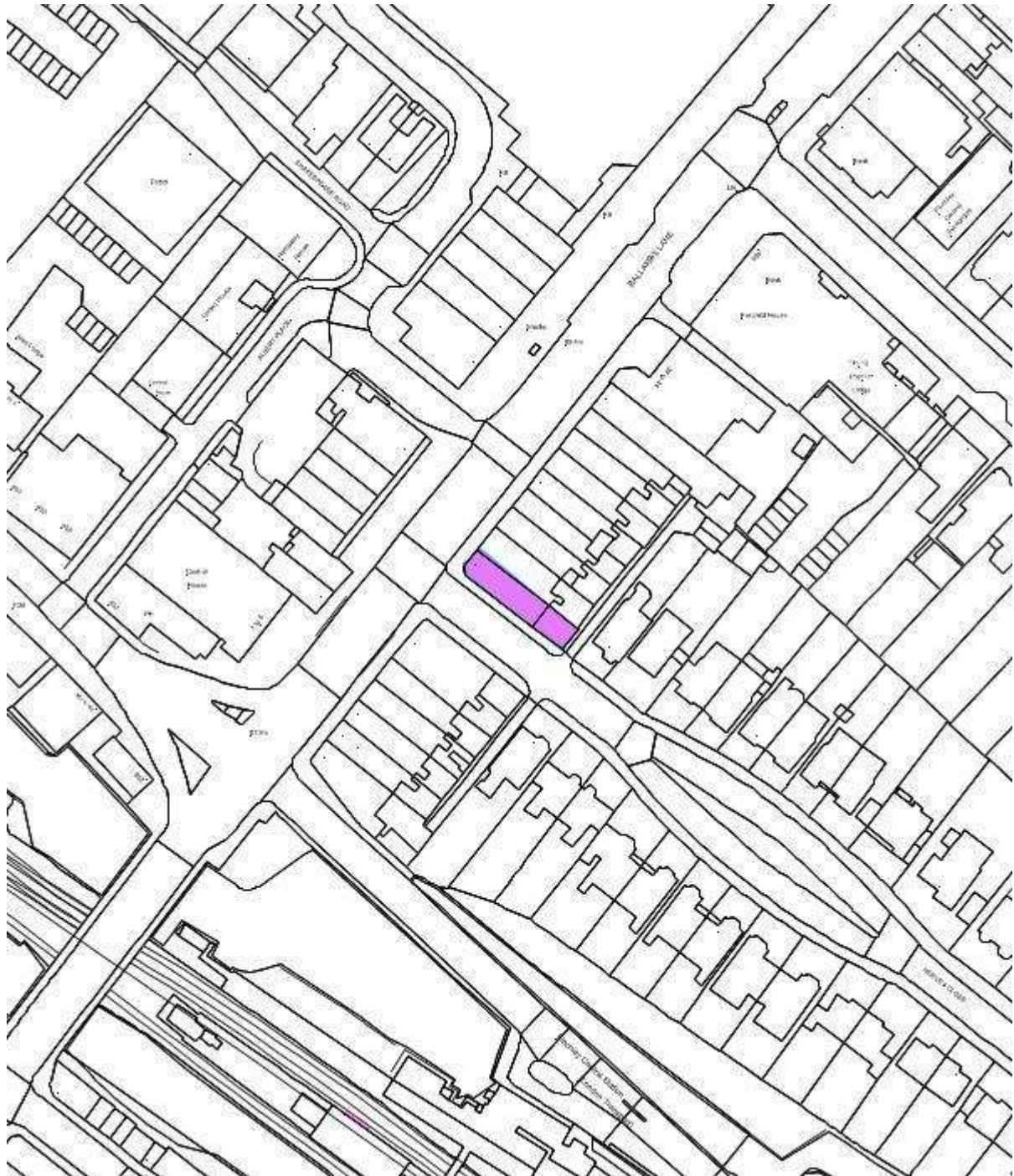
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

Having taken all material considerations into account, the proposal is in line with the Council's town centre policies and would not detrimentally impact on the residential amenity of neighbouring residents. The application is not considered to harm the vitality and viability of the Church End Town Centre.

**SITE LOCATION PLAN: 20 Ballards Lane, London, N3 2BJ**

**REFERENCE: F/03767/12**



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

**REFERENCE:** F/02183/12 **Received:** 31 May 2012

**Accepted:** 09 July 2012

**WARD(S):** Woodhouse

**AGENDA ITEM 16**

**Expiry:** 03 September 2012

**Final Revisions:**

**APPLICANT:** Mr Davison

**PROPOSAL:** Part demolition of buildings ancillary to main hall and erection of new two storey extension to re-house existing kindergarten (including increasing children numbers from 42 to 60), function rooms and administration offices.

**RECOMMENDATION: APPROVE SUBJECT TO S106**

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1-361.001 rev A, 1-361.010, 1-361.011, 1-361.012, 1-361.020, 1-361.050, 1-361.051, 1-361.052, 1-361.060, 1-361.061, 1-361.099, 1-361.100, 1-361.101, 1-361.102, 1-361.200, 1-361.201, 1-361.210, 1-361.300, 1-361.301, Finchley Reform Synagogue Design and Access statement May 2012, Finchley Reform Synagogue Design and Access Statement - Appendices May 2012, Assessment of proposed redevelopment of Finchley Reform Synagogue in context of relevant planning policies ref CA/2661 (April 2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

3. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 1-361.100 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.

4. Before the development hereby permitted commences onsite, 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 visual amenities of the locality.

5. The premises shall be used for a synagogue and its ancillary activities and for no other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

6. No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8am or after 6pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

7. 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.

8. 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.

9. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the public parts of the building shall have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason:

To ensure adequate access levels within the development.

10. A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before 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.

11. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

12. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

13. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

14. The building hereby approved shall be constructed so as to provide sufficient sound insulation against internally generated noise and provided with double glazing and additional means of ventilation so that the windows and other openings can be kept closed. A scheme for the necessary measures is to be provided to the LPA and agreed in writing before implementation.

Reason:

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

15. Before any development commences a Travel Plan shall be submitted setting out the synagogues transport policy to include the means of arrival and departure for users of the facility and details and means of transportation and car-pooling. The scheme as submitted shall be approved in writing by the local planning authority and the use shall be carried out in accordance with the Travel plan as approved.

Reason:

To ensure the minimum of vehicle movements into and out of the site in the interests of sustainability and highway safety.

16. The public use of the premises for the purposes hereby permitted (other than during the hours of shabbat for religious functions and the use of the site during High Holy days and on Jewish Festivals and other activities as described in the schedule below\*) shall only take place between the hours of 8.00am and 10.30pm Saturdays and Sundays (plus 30 minutes for staff to clear up the site) and between 7.00am and 10.30pm (plus 30 minutes for staff to clear up the site) on all other days.

<b>*Occasions</b>	<b>Duration</b>
Rosh Hashana	(2 days)
Kol Nidre	(1 evening)
Yom Kippur	(1 Day)
Pessach	(4 days)
Shavout	(1 evening and 2 days)
Succot	(3 days)
Yom Hashoah	(1 day)
Chanuka	(1 day)
Purim	(1 day)
Simchat Torah	(1 day)
Shavuot	(1 night)
Selichot	(1 night)
Youth group overnight activities	4 times a year
Uses associated with "Together in Barnet Shelter"	1 December to 30 April each year

Reason:

In the interests of the amenity of occupiers of neighbouring residential properties.

17. No development shall take place until a 'Demolition & 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. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

18. The development will be required to meet the 'Very Good' standard in the BREEAM (Building Research Establishment Environmental Assessment Method).

Reason:

To ensure that the development is sustainable and complies with strategic and local policies.

19. Prior to the occupation of the development an Activities Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority and the activities on the site shall be carried out in accordance with the approved AMP.

Reason:

In the interests of the amenity of occupiers of neighbouring residential properties.

20. There shall be no more than 60 children registered at the kindergarten at any one time. No children other than those registered shall be (looked after) at the kindergarten.

Reason:

To safeguard the residential amenity of neighbouring occupiers.

21. No child shall be on the premises for the purpose of the kindergarten use on any Saturday/Sunday or public holiday or any other day except between the hours of 8.30am-3.00pm.

Reason:

To safeguard the residential amenity of neighbouring occupiers.

22. A scheme for acoustic fencing along the boundary with 99 Fallow Court Avenue shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

23. Phase 2 shall be commenced within three years of the commencement of Phase 1 and the retained kindergarten block and ancillary buildings shall be demolished.

Reason:

To ensure that sufficient parking is provided on site in the interests of pedestrian and highway safety and the free flow of traffic and to safeguard the residential amenity of the adjoining properties.

24. 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 work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

25. 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 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.

26. Sample panels of facing brickwork in the elevation fronting Fallow Court Avenue to form a feature wall showing the proposed colour, texture, facebond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant works commence and the sample panels shall be retained on site until the work is completed and has been approved. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

27. 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.

28. 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.

#### **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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012). In particular the following polices are relevant:

National Policy:  
National Planning Policy Framework

London Plan (2011):  
1.1, 3.1, 3.16, 5.2, 5.3, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.15.

Adopted Barnet Unitary Development Plan (2006):  
GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GCS1, Env12, D1, D2, D4, D5, D6, D9, D11, M11, M12, M14 & CS1.

Local Development Framework:  
Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5, CS6, CS7, CS9, CS10, CS12, CS13.  
Development Management Policies (Adopted) 2012 – DM01, DM02, DM03, DM04, DM11, DM13, DM15.

ii) The proposal is acceptable for the following reason(s): -  
Having taken all material considerations into account, it is considered that the proposal would enable the redevelopment of a previously developed brownfield site within close proximity of a town centre. The proposal would see the modernisation of a community facility in line with Policy CS1 of the adopted UDP and Policies CS10 and DM13 of the Local Plan. The proposal has been designed to provide a landmark building which reflects the use proposed whilst taking into account the adjoining residential properties.

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.

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](http://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](mailto:cil@barnet.gov.uk).

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

### **RECOMMENDATION III**

That if an agreement has not been completed by 20/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02183/12 under delegated powers for the following reason:

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 costs of monitoring the traffic assessment scheme contrary to Policy M11 of the adopted Unitary Development Plan; contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

#### **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<sup>th</sup> March 2012. This is a key part of the Governments reform 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 a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

##### The Mayors 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 policies to this case are: 1.1, 3.1, 3.16, 5.2, 5.3, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.15.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18<sup>th</sup> May 2006, replacing the original UDP adopted in 1991.

On 13<sup>th</sup> May 2009 the Secretary of State for communities and Local Government issued a direction “saving” 183 of the 234 policies within the UDP.

Relevant policies to this case are: GSD, GBEEnv1, GBEEnv2, GBEEnv3, GParking, GCS1, Env12, D1, D2, D4, D5, D6, D9, D11, M11, M12, M14 & CS1.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the “spatial vision” that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Adopted) 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). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The

National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6, CS7, CS9, CS10, CS12, CS13.

#### Development Management (Adopted) 2012:

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.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM13, DM15.

#### Planning History:

**Site Address:** Rear of Granville Hall Montrose Crescent and Fallowcourt Avenue N12  
**Application Number:** C00043  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 02/06/1965  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of temporary Synagogue and ancillary accommodation.**  
**Case Officer:**

**Site Address:** Land at corner of Fallowcourt Avenue and Montrose Crescent N12  
**Application Number:** C00043A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 28/01/1966  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension on to existing temporary synagogue.**  
**Case Officer:**

**Site Address:** Junction of Fallowcourt Avenue and Montrose Crescent London N12  
**Application Number:** C00043B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 22/04/1970  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **renewal of permission for retention of existing temporary prefabricated timber building for syna gogue.**  
**Case Officer:**

**Site Address:** Corner of Fallowcourt Avenue and Montrose Crescent Finchley London N12  
**Application Number:** C00043C

**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/05/1970  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Renewal of temporary consent for extension to synagogue**  
**Case Officer:**

**Site Address:** Granville Hall Granville Road London N12  
**Application Number:** C00043D  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 17/02/1971  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of Communal Hall and Synagogue and ancillary purposes**  
**Case Officer:**

**Site Address:** Fallowcourt Avenue; Montrose Crescent; Granville N12  
**Application Number:** C00043E  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 16/12/1970  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of new buildings for synagogue and ancillary uses**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043G  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 26/01/1972  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **erection of a Communal Hall and Synagogue and ancillary purposes**  
**Case Officer:**

**Site Address:** Granville Hall Granville Road N12  
**Application Number:** C00043H  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 30/05/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of Communal Hall and Synagogue and ancillary purposes**  
**Case Officer:**

**Site Address:** Corner of; rear of Fallowcourt Avenue; Montrose Crescent Granville Hall North Finchley N12  
**Application Number:** C00043J  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 10/07/1974  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Renewal of permission for prefabricated/timber all purposes building.**  
**Case Officer:**

**Site Address:** REAR OF GRENVILLE HALL MONTROSE CRESCENT & FALLOWCOURT AVENUE LONDON N12  
**Application Number:** C00043K  
**Application Type:** Full Application

**Decision:** Approve with conditions  
**Decision Date:** 22/09/1976  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Renewal of permission for prefabricated timber building.**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043L  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 28/02/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two storey side extension and additional car parking spaces.**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043M  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/03/1980  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Use of youth centre as kindergarten for 25 children on Monday to Friday mornings between 9.00 a.m. and 12.00 noon**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043N  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 14/05/1980  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of single storey building:- renewal of planning permission C.43K dated 22nd September 1976.**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043P  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 28/10/1980  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Use of small hall as kindergarten**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043Q  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 25/02/1981  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey link building between hall and synagogue, brick cladding on hall, and 1.4 m (4 ft. 9 ins.) high wire fence and gates.**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043R

**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 22/07/1981  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **CONTINUED USE OF SMALL HALL AS KINDERGARTEN**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043S  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 17/12/1991  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey side extension to main hall**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043T  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 20/04/1993  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Ground and first floor extensions. Externalstaircase.**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043U  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/05/1994  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **First floor extension at the corner ofGranville Road and Montrose Crescent.**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043V  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Approve with conditions  
**Decision Date:** 08/04/1997  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation to condition 2 & 3 of planningpermission Ref C43M to enable 26 children tobe at the kindergarten at any one time and toextend the hours of use until 3pm on Mondaysto Fridays.**  
**Case Officer:**

**Site Address:** Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE  
**Application Number:** C00043W/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 05/09/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation of condition 2 of planning permission C00043V to enable 42 children to be at the kindergarten at any one time.**  
**Case Officer:**

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

**Application Number:** C00043X/01  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 07/08/2002  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey extension between existing hall and 99 Fallow Court Avenue ancillary to existing use as a kindergarten.**

**Case Officer:**

Consultation and Views Expressed:

Neighbours Consulted: 121 Replies: 355

Neighbours Wishing To Speak 7

\* Note that of the replies 223 are of support and 116 have objected to this application.

The objections raised may be summarised as follows:

1. Loss of light and privacy;
2. Increase in noise and disturbance;
3. Consultation occurred during the summer holiday period making it difficult for residents to comment.
4. Traffic and congestion currently experienced will get worse;
5. On-street parking is over subscribed and expansion will put further pressure on this;
6. Insufficient parking provided on site to meet the needs of the use. Proposal will result in loss of parking space on site;
7. Increase in noise and disturbance from children playing;
8. Refuse bins are to be located adjacent to a residential boundary which will impact on amenity of adjoining residents;
9. The building will be out of character with the adjoining residential street scene;
10. The buildings are not community uses as they only serve the Synagogue community and are not available to the wider local community;
11. The synagogue should relocate to a more appropriate site in a less residential area;
12. Loss of trees;
13. Design of the building and proposed materials are out of character;
14. The proposal will result in an increase in membership and therefore an increased impact on the surrounding area;
15. The building work will happen in a phased way as and when funds are raised which will mean that local residents will have the disruption of building works for a long period of time;
16. Loss of value to surrounding properties;
17. There is no transport statement provided;
18. The site would be enclosed by a 2m high fence which is unnecessary and would be visually obtrusive;
19. Concern over how lorries will access the site during construction;
20. The synagogue is planning to increase the capacity of the site by 50%;
21. The kindergarten operates in breach of planning conditions.

The Finchley Society objected for the following reasons:

- The design is almost brutalist and has no relationship to the surroundings contrary to Policy DM01a.

Date of Site Notice: 09 August 2012

Internal/Other Consultations:

Traffic and Development

No objection subject to s106 and conditions

Environmental Health

No comment

Trees and Landscaping

No comment

**The application was withdrawn from the October East Committee Planning Sub-Committee to enable to enable sufficient time for officers to review a request from the applicant to amend conditions contained in the recommendation to committee and to give sufficient time for objectors to review those amended conditions.**

**Discussions with the applicant concluded and the agreed conditions are included in the published agenda for objectors to consider.**

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

Finchley Reform Synagogue is located at the corner of Granville Road, Montrose Crescent and Fallow Court Avenue in a predominantly residential area.

The site consists of a collection of interlocking buildings that form the Synagogue. These spaces include a large main hall; a kindergarten – including a temporary building; a small multi-use hall; offices; kitchen and ancillary spaces. The building heights vary between one and two storeys across the site. The roof form is predominantly flat.

The current buildings on site lack a coherent appearance as the style varies reflecting the ad-hoc development of the site, the main materials are brick, render and metal cladding.

The site is located on a corner junction and has two access points; the main entrance is located off Fallow Court Avenue, this services pedestrian and vehicular access while deliveries are made via Granville Road. Due to its prominent corner location the site is very visible within the street scene, providing a local landmark.

The surrounding area is predominantly residential and is characterised to the north and south by Edwardian housing to the west is a three storey block of purpose built flats.

Proposal:

Planning permission is sought for *“part demolition of buildings ancillary to the main hall and erection of new two storey extension to rehouse existing kindergarten, function rooms and administration offices”*.

There are three key elements to the proposal:

### 1. The Main Hall

The proposal would see the demolition of all buildings on the site with the exception of the main hall. This building would be modified by raising the parapet wall to screen the existing roof form and the building would be rendered to blend with the new elements. The building would increase in height by approx 2m.

A new parking area would be created to the south west of the hall providing 5 parking spaces (one of which would be for the use of blue badge holders). A new vehicular entrance from Granville Road would be created to access this area.

### 2. The Main entrance

Adjacent to the main hall a new entrance/foyer area is proposed, this would be a single storey structure, 4.2m high. It would project forward of the existing main hall by 2.2m and would form the main pedestrian access to the building accessed from Granville Road. The main entrance would be of a render construction with large glazed floor to ceiling panels. The building would wrap around the corner of the site and link into the third element of the scheme.

### 3. Part single/part two storey extension.

The third element of the scheme would consist of a part single, part two storey structure that would front onto Montrose Crescent and Fallow Court Avenue wrapping around the perimeter of the site. The building would be set 1.6m off the boundary with Montrose Crescent, pulling back a further 0.6m as the building turns into Fallow Court Avenue to give a 2.2m set off along this boundary.

The building would be two storey (approx 7m) along the Montrose Crescent frontage. As the building turns the corner into Fallow Court Avenue it would remain two storey for a further 16m before stepping down to 3.6m in height for a further 7.4m.

This main accommodation that this building would provide is a new hall space at ground floor level. Although linked to the Main Hall and Foyer the hall would have a separate pedestrian entrance on Fallow Court Avenue enabling it to operate separately from the rest of the building.

The two storey element of the building would be constructed of buff brick with a decorative brick work panel proposed for the corner of the building adjacent to Granville Road/Montrose Crescent. The single storey element would be rendered. Both elements would have a flat roof.

The existing vehicular access on Fallow Court Avenue would be relocated 12m further along the Fallow Court Avenue frontage to provide access to a new parking area for 6 cars which would be located along the boundary with 99 Fallow Court Avenue

A single storey (2.6m high) brick structure would be located to the front of the proposed parking area adjacent to the boundary with 99 Fallow Court Avenue effectively screening the parking area from the street scene. This building would



provide an external store and refuse storage area.

To the rear of all three elements would be a garden area which would provide outdoor play space for the kindergarten function during the week and an outside space for synagogue users at other times.

Cycle storage is provided adjacent to the main pedestrian entrance and within the site adjacent to the Fallow Court Avenue parking area.

The proposal would result in the removal of the existing boundary treatment which in the main consists of a mature hedge and a number of trees and replacement with a dwarf brick wall with metal railings to a height of 2.1m from pavement level. Planting is proposed behind this.

### Planning Considerations:

The main issues in this case are considered to be:

- i. Principle of development
- ii. Intensification of use
- iii. Highway safety and parking provision
- iv. Impact on the street scene
- v. Impact on the residential amenity of adjoining properties
- vi. Sustainable design and construction
- vii. Section 106 contributions

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policy Env12 states that Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy D3 states that the size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers.

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.

### **Principle of development**

The NPPF outlines that social infrastructure and services are needed in order to support new and existing economic development and to promote strong, stable and productive economies and communities. In addition both the London Plan and the UDP recognise that the provision of community facilities are required to support community needs and contribute to making an area more than just a place to live. Social infrastructure has a major role to play in supporting London's expected growth.

The existing buildings have developed in an ad hoc manner and no longer meet the needs of the organisation.

The proposals therefore would result in new modern facilities to cater for the needs of the current and future community which is consistent with Policies GCS1 of the adopted UDP and CS10 of the Local Plan (Core Strategy) which seek to ensure that an adequate supply of buildings are available for community facilities to meet the needs of the residents in the borough.

The principle of a community use in this location is well established with a synagogue existing on the site since the early 1970s.

### **Intensification of the use**

The London Plan recognises that social infrastructure has a major role to play in supporting London's expected growth making residential areas more attractive and turning them into sustainable neighbourhoods and communities. The London Plan highlights the need to safeguard existing provision.

Policy 3.16 of the London Plan states:

"London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population."

A key guiding principle of the adopted UDP and the Boroughs corporate plan is to sustain the boroughs communities. Para 2.2.1 of the UDP states 'Adequate provision of education, health and welfare services will be needed to meet the requirements of Barnet's diverse communities.'

Policy CS1 of the adopted UDP advocates that proposals to develop or expand community and religious facilities will be permitted where they:

- are easily accessible by public transport, walking and cycling;
- if in a town centre location, would not be situated within the primary retail frontage;
- would not have a demonstrably harmful impact on the character of the surrounding area or the amenities of nearby residential properties and other uses; and
- are designed to be accessible by people with disabilities.

The use of this site as a synagogue is well established with a purpose built facility

existing on the site since the 1970's. It is therefore considered that the principle of a religious facility in this location is well established.

The site is not in a town centre location and therefore not within a primary retail frontage.

Due to the existing building the noise and disturbance generated by its activities already form part of the character of the area. The current proposal would see the erection of new buildings in such a way as to minimise impact upon adjoining residential properties by placing the noise generating activities further within the site. The building would be of high quality and be suitably insulated so as to minimise noise transference for those within the building and conversely neighbouring properties.

The proposals would result in the development of a new building which would need to comply with Part M of the Building Regulations and be compliant with the Disability Discrimination Act 1995(DDA). The majority of the public facilities are at ground floor level and a lift is proposed to provide access to the second floor.

The concerns regarding intensification therefore focus on the issue of the use of the building. Concerns have been raised by local residents that given the improved facilities there is the potential that the building may be used more intensively and the impact of visitors travelling to the site how this would impact on the local highways network.

The site is currently home to a Synagogue use and the list below details the services currently delivered at the premises:

- Religious worship, weekly on Friday evening and Saturday morning but also at other festival days throughout the year;
- Kindergarten for 60 children which runs from 9.15 to 12.15 Monday to Friday. A breakfast session is offered from 8.15 for children of working parents. When children reach the Swans Class they are given the opportunity to stay until 2.30pm three days a week to prepare them for school;
- Mother and Toddler group on Tuesdays from 9.30-11.30;
- Kochavim – religion school from 9.30-12.10 on Sundays (term time only);
- Youth Club from 4.30-6pm on Thursdays (term time only);
- Non-residential holiday courses during the summer holidays and February half term;
- Bridge Club from 2-4pm on Thursdays; and
- Friendship Club from 1.30-3.30pm on Wednesdays.

From the information submitted with the application it is advocated that services delivered from the new building would remain as above. This has been challenged by objectors as part of the public consultation and clarifications were sought and provided by the applicant as part of the determination of the application.

However, the proposal would result in an overall increase in the net floor area on the site from 606sqm to 708sqm (an increase of 102sqm or 16.8% of floor area). Documentation submitted with the application advises that the increase in floor area is wholly from the increase in foyer, lobbies and circulation space (which will increase from 47sqm to 137sqm). The synagogue floor area will not change. Whilst the internal breakdown of space alters the overall uses and intensity of use on the site will remain the same.

The current building has the benefit of an unrestricted use. Given the predominantly residential nature of the surrounding area it is recommended that should Members be minded to approve the application a condition be attached restricting the hours of use. It is therefore considered that the impact of any change in activity or intensification of use would be mitigated and would not adversely effect the amenity of surrounding residents.

The next issue that therefore needs to be considered is whether there are any measures that can be taken to mitigate against the impact of trips to and from the site. The main mechanism for delivering this would be reducing the need for car borne travel and the means for achieving this is via a Travel Plan (TP). If Members are minded to approve the application a condition requiring the submission of a detailed TP is recommended.

As part of the redevelopment of Finchley Memorial Hospital a number of off site measures to improve the access to the hospital by non-car modes particularly the provision of pedestrian links; links from the public transport network and restrictions on movements into and out of the site and across the network are being implemented. These measures include:

- A contribution towards the enhancement of the bus stops to make them DDA compliant; provision of new bus shelters and ibus (countdown) displays
- A contribution towards the improvement of the pedestrian environment including upgrading the tactile paving at the junction of Granville Road and Bow Lane.

It is considered, given the proximity of this site to the hospital, that these measures will also benefit non-car access to the application site.

The site has a PTAL score of 1/2 indicating limited accessibility to public transport facilities. However, given the above the proposal is considered to comply with policy CS10 of the adopted UDP and CS1 of the Local Plan (Core Strategy) the potential of any intensification of use within the site is considered when balanced against the wider community needs for the Borough to be acceptable subject to an hours of use condition and satisfactory Travel Plan.

### **Highway safety and parking provision**

The existing main access to the site is in Montrose Crescent in a predominantly residential road with a constrained capacity.

The current proposals would relocate the main access onto Granville Road which is considered to offer a better solution as this produces the least vehicular/pedestrian conflicts and minimises the impact upon adjoining residential properties.

Locating the main access on Granville Road optimises the opportunity for dispersing traffic that would be generated as a result of the proposal into the local road and junction network, thereby dissipating its impact. The Councils Highways Group has indicated that they consider that the network has the capacity to take these movements.

The site currently has 13 spaces marked out for parking. These are accessed via a dropped kerb and gate from Montrose Crescent. The current proposal would provide

parking for 11 cars in two parking areas, one adjacent to the main hall and accessed via Granville Road and the second adjacent to the boundary with 99 Fallow Court Avenue accessed from Fallow Court Avenue. Both areas would include one parking space for blue badge holders.

Two areas of cycle parking are proposed. One adjacent to the proposed new pedestrian entrance on Granville Road and the other adjacent to the rear of the main hall adjacent to the Fallow Court Avenue car park area.

There is unrestricted on-street parking in the surrounding road network.

The Council's highways officers have no objections subject to conditions including the submission of a Travel Plan and an Activities Management Plan.

### **Impact on street scene**

Policies in both the adopted UDP and emerging Local Plan advocate that new development should represent high quality design. However, proposals should be based on an understanding of local characteristics and should represent the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

The application site is very prominent within the street scene partly due to the existing buildings use, design and materials. Given the sites prominent location and the type of building (a place of religious worship) proposed a landmark building of high quality design is considered appropriate.

The current proposals would see a building of individual design which would reflect the proposed use. It would sit well within the street scene echoing the existing bulk and mass of the buildings currently on the site.

The building through changes in height, massing and material has been broken up to provide visual diversity. The building has been set off the boundary to reflect established building lines and reduce its visual prominence by giving the opportunity to provide a soft landscape setting for the building. Given the amount of brickworks, details of brickwork to the main elevation facing Fallow Court Avenue are required by way of condition to ensure that the quality of the finished building is of a high standard.

Site enclosure details are required by condition.

The organisation of the buildings massing and disposition has regard to the adjoining buildings in respect of scale and boundaries. A variety of features and materials are proposed which are considered to help break up the building whilst creating a harmonious and symmetrical approach to its appearance. The proposal is therefore considered to comply with policies D1, D2, D3, D4, D5, D6, D9 and D11 of the adopted UDP and policies DM01, DM02, DM11 and DM15 of the Barnet's Local Plan (Development Management Policies) DPD.

### **Impact on trees / landscaping**

There are currently trees on site close to the boundary with Fallow Court Avenue. Although those trees have public visibility, they are of poor quality and have been

pruned / reduced in the past. Those trees have no particular protection and are not considered to warrant protection. A planning condition is required to obtain and approved details of site-wide landscaping before works start on site. The proposed landscaping will be expected to include semi-mature planting and significant hedging to provide a green and soft setting for the new buildings, particularly along Fallow Court Avenue.

On Saturday 27th October 2012 an e-mail was sent by a local resident to the Council's Planning Enquiry mailbox requesting that trees be assessed for possible inclusion in a Tree Preservation Order, the resident also e-mailed a number of photographs of the trees.

Whilst the vegetation is clearly visible from public locations and provides some softening of the otherwise harsh built form, it is considered that the trees are not appropriate for inclusion in a Tree Preservation Order because of their previous treatment, poor form, and/or proximity to existing building.

### **Impact on the residential amenity of adjoining properties**

Due to the triangular nature of the site the proposals would have a back to side relationship with the adjoining residential properties in Fallow Court Avenue and Granville Road and as a result the proposal is not considered to result in overlooking to these properties. The proposal will result in the current kindergarten building being removed from the boundary with 99 Fallow Court Avenue and the buildings pulled back further within the site.

The proposal would result in an increase in the height of the building adjacent to Glowhill Court as the mono pitch roof will be increased by between 0.1 and 2m to bring it level with the existing main flat roof. Those changes and their impact on the windows in the side elevation are not considered to warrant refusal for the application. Given the existing outlook from these properties onto a number of different roof forms the proposal to screen the roof by the erection of a parapet wall is considered to improve the outlook.

The current buildings have developed in an ad hoc manner over a period of time as a result with some of the uses of the building this has given rise to noise and disturbance to adjoining residential properties. The buildings have now been designed so that the noise generating uses such as the kindergarten are located away from the residential boundaries. It is also considered that measures could be put in place internally to minimise further any impact. Therefore a number of conditions restricting hours of use and requiring sound insulation measures are recommended to minimise the potential noise and disturbance from people using the site.

### **Sustainable design and construction**

The current proposals have been designed to maximise the natural benefits of the site and reduce energy consumption through numerous measures including solar shading, intelligent building and lighting controls, natural ventilation etc.

The orientation of the new hall to face north east through south west optimises day light from both aspects while being able to more easily control and limit solar gain. The use of natural day lighting across the buildings will result in a reduction in energy

consumption within the building as well as delivering a high quality of light, making the spaces feel more uplifting.

The general form of the buildings allows for natural ventilation of the majority of the space which as well as resulting in energy savings will place less demand on plant and helps minimise the impact on the amenity of local residents.

Heating is proposed to be provided by air source heat pumps. Hot water demands are not constant and very low and as a result local electric point of use boilers are proposed which removes the storage and circulation losses associated with central systems

The inclusion of these initiatives as part of the proposals would reduce carbon emissions associated with the operation of the building and enhance the future of renewable energy resulting in a more sustainable form of development in accordance with adopted policy and the Three Strands Approach. It is recommended that these sustainability measures to be secured by planning condition.

### **Section 106 contributions**

A £5000 contribution towards the monitoring of the Travel Plan and the submission of an Activities Management Plan are required and secured by way of a section 106 agreement.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

In relation to point 1, when the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application. The Local Planning Authority consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

In relation to points 2 and 7, it is considered that the proposal has been designed to respect the amenities of neighbouring occupiers. It is considered that, as conditioned, the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

In relation to point 3, the LPA can't put on hold an application because its the Summer holidays. Residents are consulted as soon as the application is registered. The residents have been consulted in accordance with this procedure.

In relation to points 4, 5 and 6 after having discussions with the council's Highway team, it is considered that this proposal would comply with Council policies.

In relation to point 8, the attachment of condition 27 to this recommendation is considered to safeguard this position.

In relation to points 9 and 13, it is considered that the proposal complies with

National, London Plan and Council policies. It is considered the design of the proposed contemporary building would compliment the design of neighbouring existing buildings and is not would not have any adverse visual effect on the character of the locality or the street scene generally. The success of the building will depend on the quality of the materials to be used and the materials to be used in the construction of the dwelling will have a conditioned to this recommendation to ensure that the proposed materials are acceptable.

In relation to point 10, it is considered that the proposal complies with National, London Plan and Council policies in relation to the provision of a community facility.

In relation to point 11, it is considered that the proposal complies with National, London Plan and Council policies.

in relation to point 12, as noted in the body of the report, whilst the vegetation is clearly visible from public locations and provides some softening of the otherwise harsh built form, it is considered that the trees are not appropriate for inclusion in a Tree Preservation Order because of their previous treatment, poor form, and/or proximity to existing building. It should be noted that the attachment of condition 11 to this recommendation to ensure landscaping is introduced along the boundaries to the public highway.

In relation to points 14 and 20, this is considered to have been covered in depth under the 'Intensification of the use' section of the main body of the report.

In relation to point 15, the attachment of condition 23 to this recommendation is considered to safeguard this position.

In relation to point 16, this is a civil matter and not a material planning consideration.

In relation to point 17, there is a Transport Statement included within the Design & Access Statement under 'Appendix B'.

In relation to point 18, this is not the case and it should be noted that the attachment of condition 25 to this recommendation is considered to safeguard this position regarding the details of the boundary treatment.

In relation to point 19, the attachment of condition 17 to this recommendation is considered to safeguard this position requiring a 'Demolition & Construction Method Statement'.

In relation to point 21, residents have been reconsulted regarding this matter.

#### **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 the proposal would enable the redevelopment of a previously developed brownfield site within close proximity of a town centre. The proposal would see the modernisation of a community facility in line with Policy CS1 of the adopted UDP and Policies CS10 and DM13 of the Local Plan. The proposal has been designed to provide a landmark building which reflects the use proposed whilst taking into account the adjoining residential properties.

**SITE LOCATION PLAN:**  
Avenue, London, N12 0BE

**Finchley Reform Synagogue, 101 Fallow Court**

**REFERENCE:**

**F/02183/12**



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