

Decisions of the East Area Planning Sub-Committee

9 January 2014

Members Present:

Councillor Andreas Tambourides (Chairman)

Councillor Alison Cornelius
Councillor Arjun Mittra
Councillor Barry Rawlings
Councillor Alan Schneiderman
Councillor Andrew Strongolou

Councillor Joanna Tambourides
Councillor Jim Tierney
Councillor David Longstaff (In place of
Bridget Perry)
Councillor Brian Salinger (In place of
Stephen Sowerby)

1. MINUTES OF LAST MEETING

RESOLVED – That the minutes of the meeting held on the 3 December 2013 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Bridget Perry (Councillor David Longstaff substituting) and from Councillor Stephen Sowerby (Councillor Brian Salinger substituting).

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Members declared the following interests:

Councillor	Agenda Item	Interest
Alan Schneiderman Brian Salinger David Longstaff Jim Tierney Arjun Mittra	Finchley Reform Synagogue, 101 Fallow Court Avenue, London N12 0BE (F/05434/13 and F/05435/13)	Non pecuniary interest as the Councillors had attended multi-faith services and/or events at the synagogue and knew some of the objectors and supporters. The Councillors took part in the debate and in the decision making process.
Alison Cornelius	49 Chiddingfold Road, London, N12 7EX (B/03381/13)	Non pecuniary interest as Councillor Cornelius has a connection with one of the speakers. Although this was a non-pecuniary interest, Councillor Cornelius left the room and did not take part in the debate and in the decision making process.

4. PUBLIC QUESTION TIME (IF ANY)

There were none.

5. MEMBERS' ITEMS (IF ANY)

There were none.

6. FINCHLEY REFORM SYNAGOGUE, 101 FALLOW COURT AVENUE, LONDON, N12 0BE - F/05434/13

The Sub-Committee noted the receipt of the additional information set out in the addendum. Officers reported the receipt of two additional letters of support.

The Sub-Committee having heard oral representations from Mr Michel Couque, Councillor Geof Cooke (Woodhouse Ward) and the applicant's response;

RESOLVED TO APPROVE the application as per the Officer's report and subject to (i) the conditions set out in the report and (ii) the additional information set out in the addendum.

(a) FINCHLEY REFORM SYNAGOGUE, 101 FALLOW COURT AVENUE, LONDON N12 0BE - F/05435/13

The Sub-Committee noted the receipt of the additional information set out in the addendum. Officers reported the receipt of two additional letters of support.

RESOLVED TO APPROVE the application as per the Officer's report and subject to (i) the conditions set out in the report and (ii) the additional information set out in the addendum.

7. 24A ST WILFRIDS ROAD, BARNET, HERTS, EN4 9SA

The Sub-Committee noted the receipt of the additional information set out in the addendum and also noted an amendment to Conditions 6 and 8 of the report.

The Sub-Committee having heard oral representations from Mr C A Makowski who was not objecting to the application in principle but was concerned about the parking and low fence and the applicant's response;

RESOLVED TO APPROVE the application as per the Officer's report and subject to (i) the conditions set out in the report (ii) the additional information set out in the addendum and (iii) amended Conditions 6 and 8 as follows:

Condition 6:

Notwithstanding the details shown on the submitted drawings, before the development hereby permitted is first occupied the site shall be enclosed, including the western flank boundary of the site with the front of no. 24 St. Wilfrid's Road, in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be maintained thereafter in accordance with the drawings.

Reason:

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

Condition 8:

Before the building hereby permitted is first occupied the proposed windows at first floor level in the north elevation facing Nos. 22 and 24 St Wilfrids Road, and at first floor level and above in the east flank elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

8. 49 CHIDDINGFOLD, LONDON, N12 7EX

The Sub-Committee having heard oral representations from Ms Bettina Sandford and Councillor Brian Coleman (Totteridge Ward) objecting to the application and the applicant's response;

RESOLVED TO APPROVE the application as per the Officer's report and subject to the conditions set out in the report.

9. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting finished at 8.45 pm

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LOCATION: Finchley Reform Synagogue, 101 Fallow Court Avenue,
London, N12 0BE **Minute Item 6a**
REFERENCE: F/05435/13 **Received:** 19 November 2013
Accepted: 19 November 2013
WARD: Woodhouse **Expiry:** 14 January 2014

Final Revisions:

APPLICANT: FINCHLEY REFORM SYNAGOGUE

PROPOSAL: Variation of:

condition 2 (The number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 42)

condition 3 (No child should be on the premises for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.30am and 3.00pm)

pursuant to planning permission C00043W/00 for 'Variation of condition 2 of planning permission C00043V to enable 42 children to be at the kindergarten at any one time.' dated 29/08/00.

Conditions to be varied to:

2 (The number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 60)

3 (No child should be on the premises for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.15am and 3.00pm)

Approve subject to completion of 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 Requirement to submit Travel Plan £5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

(Note that this obligation is a duplicate to F/05434/13)

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/05435/13 under delegated powers subject to the following conditions: -

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

Covering letter from Apcar Smith Planning reference CA/grc/2661
Site location plan
Existing site plan
Drawing SK101 rev May 2002
Drawing RG-09-1091-02
Drawing RG-09-1091-03
Drawing RG-09-1091-04
Letter from FRS dated 08 November 2013
Planning Statement reference CA/2661
Email from Graham Moss dated 24 May 2010
Email from Caroline Gray dated 31 January 2011
Email from Mike Freer MP dated 24 January 2011
Transport Note dated 05 November 2013
Travel Plan - November 2013 version

Reason:

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

- 2 The number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 60.

Reason:

To safeguard the residential amenities of neighbouring occupiers.

- 3 No child should be on the premises for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.15am and 3.00pm.

Reason:

To safeguard the residential amenities of neighbouring occupiers.

INFORMATIVE(S):

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

RECOMMENDATION III

That if an agreement has not been completed by 10/01/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application F/05435/13 under delegated powers for the following reasons:

The development would require a 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 costs of monitoring the Travel Plan, be 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 Mayor's London Plan: July 2011

- Policy 3.16 – Protection and enhancement of social infrastructure
- Policy 6.12 – Road network capacity
- Policy 6.13 – Parking
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture

Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 9 Providing safe, effective and efficient travel

Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- DM14 Community and Education uses
- DM17 Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Planning Obligations (2013)

Relevant Planning History:

Application:	Planning	Number:	C/00043/W/00
Validated:	30/06/2000	Type:	APF
Status:	DEC	Date:	05/09/2000
Summary:	APC	Case Officer:	
Description:	Variation of condition 2 of planning permission C00043V to enable 42 children to be at the kindergarten at any one time.		

Application:	Planning	Number:	C/00043/X/01
Validated:	04/12/2001	Type:	APF
Status:	DEC	Date:	07/08/2002
Summary:	APC	Case Officer:	
Description:	Single storey extension between existing hall and 99 Fallow Court Avenue ancillary to existing use as a kindergarten.		

Application:	Planning	Number:	F/02183/12
Validated:	09/07/2012	Type:	APF
Status:	WDN	Date:	15/01/2013
Summary:	WIT	Case Officer:	Junior C. Moka
Description:	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.		

Consultations and Views Expressed:

Neighbours Consulted:	969
Replies:	90 (at the time of writing this report)
of which	6 letter of objection
	84 letters of support
Neighbours Wishing To Speak	0

The 6 letters of objections may be summarised as follows:

- effect on traffic, access and parking
- noise and disturbance
- inappropriate use for the area
- loss of light
- loss of trees

The 84 letters of support may be summarised as follows:

- earlier opening hours would enable parents with 2 children attending different schools easier drop offs
- users of the site are considerate
- never experienced disruption from traffic
- never experienced unacceptable noise from children
- good facilities provided on site
- this application regularises a situation which started in 2007
- the Kindergarten is rated as outstanding by Ofsted

Internal /Other Consultations:

Traffic & Development - no objection

- Environmental Health - no objection

Date of Site Notice: 28 November 2013

Additional representations received up until the day of committee will be reported to Members and addressed via an addendum.

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 within the Woodhouse ward.

The site consists of a collection of interlocking buildings that form the Synagogue and include a kindergarten building. This building is single storey and flat roofed.

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.

Summary of most relevant planning history and description of proposals:

The original planning permission for the use of part of the site as a Kindergarten dates back to 1980.

In 1997, permission was granted to increase numbers of children from 25 to 26, and change to the opening hours from 8.30am and 12.30pm Monday to Friday to 8.30am and 3.00pm Monday to Friday.

In 2000, permission was granted to enable 42 children to attend the Kindergarten.

In 2002, a temporary three-year permission was granted for the retention of an extension used as part of the Kindergarten (note this was not the main building itself).

In 2012, the synagogue submitted an application for the redevelopment of the site (including the Kindergarten). Following submission and on review of the application documents, it became apparent that the Kindergarten was operating in breach of planning conditions pursuant to the 2000 and 2002 planning permission.

A planning enforcement investigation was started and the following withdrawal of the application for the wider redevelopment of the site, the synagogue was invited to submit applications to regularise the use of the Kindergarten as existing.

It is important to note that no complaints were received by the planning department or the Environmental Health department about the Kindergarten operation before this enforcement investigation started. It is understood that the breach of conditions started in January 2007

The planning enforcement investigation is on hold pending the determination of the application.

The current application seeks to retain the building, regularise the increase in the number of children to 60 and vary opening times to 8.15am and 3.00pm Monday to Friday for a limited period until December 2018.

Planning Considerations:

The main planning considerations are as follows:

- general principle of development
- impact of the proposals on the character of the area
- impact of the proposals on the amenity of neighbouring occupiers (from the building and its use)
- impact on the highways
- equality and diversity issues

General principle of development:

Educational uses have been highlighted by the Secretary of State for Communities and Local Government as a priority. National policy states that “Local planning authorities should: give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.” (NPPF: paragraph 72)

The London Plan advises in Policy 3.16: “Protection and enhancement of social infrastructure” that DPDs should assess the need for social infrastructure and community facilities in their area, and ensure that they are met wherever possible. New facilities should be provided within easy reach of walking and public transport of their target population. Net loss must be resisted and increased provision sought.

Policy DM13 encourages the community and educational uses. The preceding text states that community and educational uses may be appropriate in residential areas. Where they do not have a demonstrably harmful impact on the amenities of nearby residential properties and other uses in terms of noise and traffic generation, or on the character of the surrounding area.

Impact on the character of the area:

Policy CS5 states that the Council ‘will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design’. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The use of the building as a Kindergarten and synagogue is well established and it is therefore considered that the principle of the use in this location is well established and forms part of the character of this locality - this is considered to accord with the above policies.

Impact on the amenity of neighbouring and surrounding occupiers:

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

The closest residential property to the building is 99 Fallow Court Avenue. The building is located 3 metres from the side boundary of this property and 5 metres from its side wall. The side wall of the house does not have any habitable room windows. It is considered that the building does not detrimentally impact on the residential amenity of surrounding occupiers (including at 99 Fallow Court Avenue) to a degree that would warrant refusal for the application.

There are two important points to note which are material planning consideration:

- the use has been operating since 2007 without complaints being received by the planning department or Environmental Health department
- the remainder of the site benefits from an unrestricted D1 use. In practice, this means that the Kindergarten use could be operated without any restrictions (including hours of operation and number of children attending) from within the main synagogue buildings.

Due to the existing uses on the site, the noise and disturbance generated by its activities already forms part of the character of the area. The regularisation of the increase in the number of children to 60 when compared to 42 and the earlier proposed opening time of 8.15am are not expected to generate higher levels of noise and disturbance than those already experienced at the site and therefore it is not considered that they would harm the amenities of the occupiers of neighbouring properties to such a level as to warrant refusal for the application. The Council's Environmental Health officer have no objection on this ground.

Impact on highways

Parking Assessment:

A questionnaire survey was undertaken by FRS in order to assess the modes of travel used by parents and carers bringing children to the kindergarten. A total of 33 questionnaires were completed, which represents an 89% sample of the 37 families currently attending the kindergarten. The Kindergarten has further intakes of children making 60 children in total in the April term, 12 out of the 60 who will be attending are related meaning that a total of 54 parents/carers will arrive to drop off/collect children each day.

At present, 17 (46%) of the families attending the kindergarten live within 1km and, as such, are within a reasonable walking distance, which small children could realistically walk.

The following table summarises the main travel modes used by parents/carers.

Mode of Travel	Respondents	Percentage	Total
Car Driver	20-26	61-79%	33-43
Car Passenger	1	3%	2
Bus	1	3%	2
Train/Underground	0	0%	0
Walk	4-10	12-30%	7-16

Cycle	1-2	3-6%	2-4
Motorcycle	0	0%	0
Taxi	0	0%	0
Total	33		54

On Street Parking Survey:

In order to assess the on-street parking availability and to examine the impact of parents/carers on the availability of parking on the roads surrounding the site, parking beat surveys were undertaken on Thursday 5th and Tuesday 10th September 2013 on all on-street parking spaces within 200m of the site. Thursday the 5th was selected as the kindergarten was closed for Rosh Hashanah (Jewish New Year) and, as such, none of the on-street parking on that day was associated with the kindergarten. On Tuesday the 10th the kindergarten was open and therefore the parking survey was carried out on this date to assess the impact of the kindergarten on the on-street parking demand.

On Street Parking Surveys were undertaken between 08:00 and 16:00 to reflect the opening hours of the kindergarten, which are as follows:

- 08:15-09:15 breakfast club – offered every day to help working parents
- 09:15-12:15 Monday and Friday – all children
- 09:15-14:30 Tuesday, Wednesday and Thursday – offered to all children over 3 years 3 months

Additional times were surveyed at the start and the end of the day to ascertain the level of parking before and after the kindergarten is open. The following roads within 200m of FRS were included in the survey:

- Fallow Court Avenue
- Granville Road
- Ballards Lane
- Montrose Crescent
- Woodberry Gardens
- Holdenhurst Avenue
- Moss Hall Grove
- Chislehurst Avenue

The following tables shows the summary of parking survey carried out on Thursday 5th September 2013 and on Tuesday 10th September 2013 respectively.

Road	Capacity	Maximum			Minimum		
		Vehicles Parked	Occupancy %	Time	Vehicles Parked	Occupancy %	Time
Fallow Court Avenue	77	62	80.5	08:00	41	53.2	13:15
Granville Road	52	23	44.2	08:00-09:15	15	28.8	12:00
Ballards	15	12	80.0	08:00-08:15	6	40.0	15:30-

Lane							16:00
Montrose Crescent	35	27	77.1	08:00	20	57.1	16:00
Woodberry Gardens	12	12	100	08:00-09:30	11	91.7	Majority of survey
Holdenhurst Avenue	17	10	58.8	08:00-09:45	4	23.5	11:30
Moss Hall Grove	5	4	80.0	Whole Survey	4	80.0	Whole Survey
Chislehurst Avenue	31	25	80.6	15:30	17	54.8	Several times
Total	244	168	70.3	08:00	134	56.1	13:15-14:00

Road	Capacity	Maximum			Minimum		
		Vehicles Parked	Occupancy %	Time	Vehicles Parked	Occupancy %	Time
Fallow Court Avenue	77	69	89.6	15:00 & 15:30	59	76.6	08:00
Granville Road	52	32	61.5	13:00	25	48.1	08:30
Ballards Lane	15	12	80.0	13:00	8	53.3	15:15-16:00
Montrose Crescent	35	32	91.4	10:00-10:30	25	71.4	16:00
Woodberry Gardens	12	12	100	10:45-11:15	10	83.3	Several times
Holdenhurst Avenue	17	11	64.7	08:00 & 14:30-15:15	8	47.1	11:30
Moss Hall Grove	5	4	80.0	Most of the survey	3	60.0	Several times
Chislehurst Avenue	31	22	71.0	Several times	13	48.4	09:00-09:15
Total	244	183	76.9	12:00	165	69.3	08:30

The above survey result show that on the day when the kindergarten was closed the peak on-street parking usage was generally early in the morning with most roads experiencing the greatest and the overall maximum occupancy at 08:00 of 70.3% with 168 of the 244 available spaces occupied. As such, a minimum of 76 spaces were available throughout the day.

On the day when the kindergarten was open, the total number of vehicles parked within the study area ranged from 161-180 vehicles over the 9 hours, which represents occupancy of 69.3% to 76.9%. The difference in maximum and minimum parking demand of 18 vehicles is significantly lower than the estimated maximum of 43 parents/carers who will drive to the kindergarten and use the on-street parking. This reinforces that the parents do not all arrive and depart at the same time. The arrivals are spread over at least an hour in the morning (08:15- 09:15) and the collection times are spread over either 12:15 or 14:30 depending on the age of the children, therefore reducing the impact.

The survey shows that Fallow Court Avenue experiences a distinctive increase in on-

street parking usage during the kindergarten drop-off and pick-up times; however, this is not the case on Montrose Crescent where the peak is in the morning between the morning drop-off and mid-day pick-up times. In the afternoon pick-up period the usage decreases on both Montrose Crescent and Granville Road. The survey also indicate that although the roads closest to the site experience an increase in usage at kindergarten drop-off and pick up times, the occupancy does not exceed 90% on any of these roads and the maximum occupancy overall during these periods remains at 77%.

The applicant accepts that there is an increase in usage of on-street parking during the kindergarten drop-off and pick-up times however, the survey results show that the occupancy did not exceed 90% during these periods on any of the roads surveyed. The overall occupancy on all roads surveyed reached a maximum of 70% when the kindergarten was closed and 77% when open.

The applicant is aware of the issues surrounding on-street parking around the site during peak drop-off and pick-up times and encourages parents/carers to travel by sustainable modes and park considerably.

The applicant has taken the following steps to mitigate traffic congestion and inconsiderate and illegal parking in and around the site:

- Staggered starting and leaving times with breakfast club available at the start of the day and extended days available for older children three days per week.
- Car sharing – Strongly promoted by the principal of the kindergarten. The survey was completed right at the beginning of term when many parents do not yet know each other. They will be arranging car-pools once their children settle in and they make friends.
- Walking more often – children are encouraged children to ride their scooters to kindergarten and a bicycle/scooter store is provided. The take up is better in good weather and also when the children get a little older.
- More use of public transport.
- Using bikes and scooters for both adults and children and a total of 3 bike racks (parking for 6 cycles) are provided on site.

In order to encourage considerate parking:

- The security guard at FRS is instructed to ask parents and carers not to park illegally. Volunteers also help with this task.
- in the past, FRS has asked London Borough of Barnet for traffic wardens to attend during busy times.
- The Principal regularly reminds parents in the kindergarten newsletter and at coffee mornings about illegal parking.
- Signs have been provided for a number of years asking for considerate parking on the entrances to the synagogue. Indeed, the sign on the main front gate was enlarged in 2012 to make this clearer

Highways conclusions

In conclusion, Highways officers have advised that taking into consideration that the nursery has already been operating with an intake of 60 children the proposal is acceptable on highway grounds subject to S106 Agreement towards the provision and monitoring of a Nursery Travel Plan.

The applicant has agreed to enter into a legal agreement to provide a Nursery Travel Plan in accordance with the London Plan requirements and provision of a contribution of £5,000 towards the monitoring of the Travel Plan.

Equality and Diversity Issues

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

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) tackle prejudice, and
 - (b) promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (6) The relevant protected characteristics are-
 - age;
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

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

- Jews

The nursery is linked to Finchley Reform Synagogue and provides nursery places including for children of Jewish worshipers and users of ancillary activities provided by the synagogue. 15% of the population of Barnet are Jewish and there no other similar facilities within the vicinity of the site.

- Young children

The proposals directly affect young children attending the Kindergarten. The Kindergarten has provided an education facility for more than 30 years on this site. The Kindergarten has been rated as outstanding by OFSTED in 2005 and again in 2009.

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

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

(b) Promote understanding”

It is considered that the planning application itself provides an opportunity for inter-religion understanding to be promoted. The applicant have communicated with the local community prior to the submission of the application.

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

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

Officers consider that the refusal of planning permission would have a significant impact on the education of young children currently attending the Kindergarten.

There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, young children themselves and Jewish users of the site. Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

Considered within the body of the report. 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 application is considered acceptable taking into account the documents submitted with the application including highways reports, the site history, the lack of enforcement complaints between 2007 and 2012, the unrestricted D1 use within the synagogue building and the benefits to protected groups.

The regularisation of the increase in the number of children to 60 when compared to 42 and the earlier proposed opening time of 8.15am are not expected to generate unacceptably high levels of noise and disturbance to the extent that they would harm

the amenities of the occupiers of neighbouring properties in the course of a normal use. The proposed are acceptable on highways grounds subject to a legal agreement to secure the submission of a travel plan.

APPROVAL is recommended.

SITE LOCATION PLAN:
Avenue, London, N12 0BE

Finchley Reform Synagogue, 101 Fallow Court

REFERENCE:

F/05435/13



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