

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 28TH JULY, 2014

AT 6.30 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Maureen Braun

Vice Chairman: Brian Gordon

Councillors

Sury Khatri
Gill Sargeant

Hugh Rayner
Agnes Slocombe

Claire Farrier

Substitute Members

Mark Shooter
Helena Hart
Val Duschinsky

Charlie O-Macauley
Devra Kay

Zakia Zubairi
Tom Davey

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

Andrew Nathan – Head of Governance

Governance Services contact: Paul Frost 020 8359 2205 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	ABSENCE OF MEMBERS (IF ANY)	
2.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
3.	PUBLIC QUESTIONS AND COMMENTS (IF ANY)	
4.	MEMBERS' ITEMS (IF ANY)	
	Reports of the Assistant Director - Development Management and Building Control	
	Mill Hill Ward	
5.	THE SPINNEY, 4 ELEANOR CRESCENT, LONDON, NW7 1AH - H/02344/14	1 - 6
6.	SITE OF 39A, FLOWER LANE, LONDON, NW7 2JN - H/01485/14	7 - 18
7.	MILL HILL ERUV - H/02182/14	19 - 40
	Edgware Ward	
8.	19 STATION ROAD, EDGWARE, MIDDX, HA8 7JE - H/01988/14	41 - 48
	West Hendon Ward	
9.	90 AUDLEY ROAD, LONDON, NW4 3HB - H/01741/14	49 - 58
10.	101 STATION ROAD, LONDON, NW4 4NT - H/00869/14	59 - 70
	Burnt Oak	
11.	BALD FACED STAG, 104 BURNT OAK BROADWAY, EDGWARE, MIDDX, HA8 0BE - H/01765/14	71 - 84

12.	ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT	
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FACILITIES FOR PEOPLE WITH DISABILITIES

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LOCATION: The Spinney, 4 Eleanor Crescent, London, NW7 1AH
REFERENCE: H/02344/14
WARD(S): Mill Hill
APPLICANT: Mr & Mrs G Salik
PROPOSAL: Front and rear extension to first floor level including alterations to roof.

AGENDA ITEM 5
Received: 24 April 2014

Accepted: 24 April 2014

Expiry: 19 June 2014

Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 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: 1432.P.01, 1432.P.02 and 1432.P.04 dated 24 April 2014 and 1432.P.03A dated 20 June 2014
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).
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 4 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 side elevations of the property.
Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

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

1. MATERIAL CONSIDERATIONS

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development
CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)
Residential Design Guidance (2013)
Planning Obligations (2013)

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Application:	Planning	Number:	W/08708/B/04
Validated:	01/03/2004	Type:	APF
Status:	DEC	Date:	14/04/2004
Summary:	APC	Case Officer:	
Description:	Construction of a chalet style dwelling and a single storey detached double garage following demolition of existing property.		

Application:	Planning	Number:	W/08708/C/04
Validated:	02/07/2004	Type:	CON
Status:	DEC	Date:	07/10/2004
Summary:	AP	Case Officer:	

Description: Submission of details pursuant to Conditions 3 (Levels), 4 (Materials), 5 (Estate Road) and 9 (Landscaping details) of planning permission W08708B/04 for "Construction of a chalet style dwelling and single storey detached double garage following demolition of existing property", granted 14.04.2004.

Application:	Planning	Number:	W/08708/D/06
Validated:	07/02/2006	Type:	S63
Status:	DEC	Date:	31/03/2006
Summary:	APC	Case Officer:	
Description:	Retention of covered walkway pergola at side and rear of the property.		

Consultations and Views Expressed:

Neighbours Consulted: 8
Replies: 7
Neighbours Wishing To Speak: 1

Summary of responses:

- Concern that the proposal will result in overshadowing to the residents of 2 Eleanor Crescent
- Concern regarding the potential for the proposal to exacerbate drainage issues on the road
- Concern that the proposal would have a detrimental impact on the character and appearance of the surrounding area, particularly due to its scale and bulk

Internal /Other Consultations:

None

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site features a detached, chalet bungalow. The site rises steeply to the south and the neighbouring sites both feature detached bungalows.

Proposal:

The application proposes the extension of the property involving the replacement of the existing chalet style roof with a hipped roof.

Planning Considerations:

The main considerations are:

- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring residents
- Other material planning considerations

The impact on the character and appearance of the property and surrounding area

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

In addition to the NPPF, Policy CS5 of the Core Strategy 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”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

The area surrounding the application site characteristically features a mixture of detached bungalows and chalet bungalows. There are also isolated examples of two storey properties but the general ridge heights of properties follows the natural rise in land levels towards the south of the site.

The proposed extensions would appropriately feature materials and fenestration to match the existing property. The site is located on a section of the road with a particularly steep gradient and the application property adjoins a modestly proportioned detached bungalow at 2 Eleanor Crescent, which is located towards its northern boundary. The existing property, whilst currently taller than the adjoining bungalow features a ridge that is located away from the northern boundary of the site which serves to soften the impact of the change in levels between the two properties.

The proposed alterations to the roof of the property would result in an increase in a modest increase in the height and bulk of the property in proximity to the boundary adjoining 2 Eleanor Crescent but an overall reduction in the ridge height of the property. Given the proposed dimensions, in this instance the proposal is not considered to be detrimental to the character and appearance of the property and surrounding area to an extent that would warrant the refusal of the application on these grounds.

The impact on the amenity of neighbouring residents

Policy DM01 of the Development Management Policies 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 proposed extensions and alterations to the property would increase the height of the property in proximity to the neighbouring property at 2 Eleanor Crescent which is already at a substantially lower level due to the natural change in ground levels. However, in this instance the proposed alterations, by virtue of their scale and siting would not be considered to have an overbearing impact and result in a loss of privacy to the residents of the adjoining neighbouring property at 2 Eleanor Crescent to an extent that would warrant the refusal of the application

on these grounds.

Other material planning considerations

None

3. COMMENTS ON GROUNDS OF OBJECTIONS

Concerns have been raised regarding the drainage on the site. This is a matter that would be dealt with through the building regulations.

The remaining concerns raised have been addressed in the considerations 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

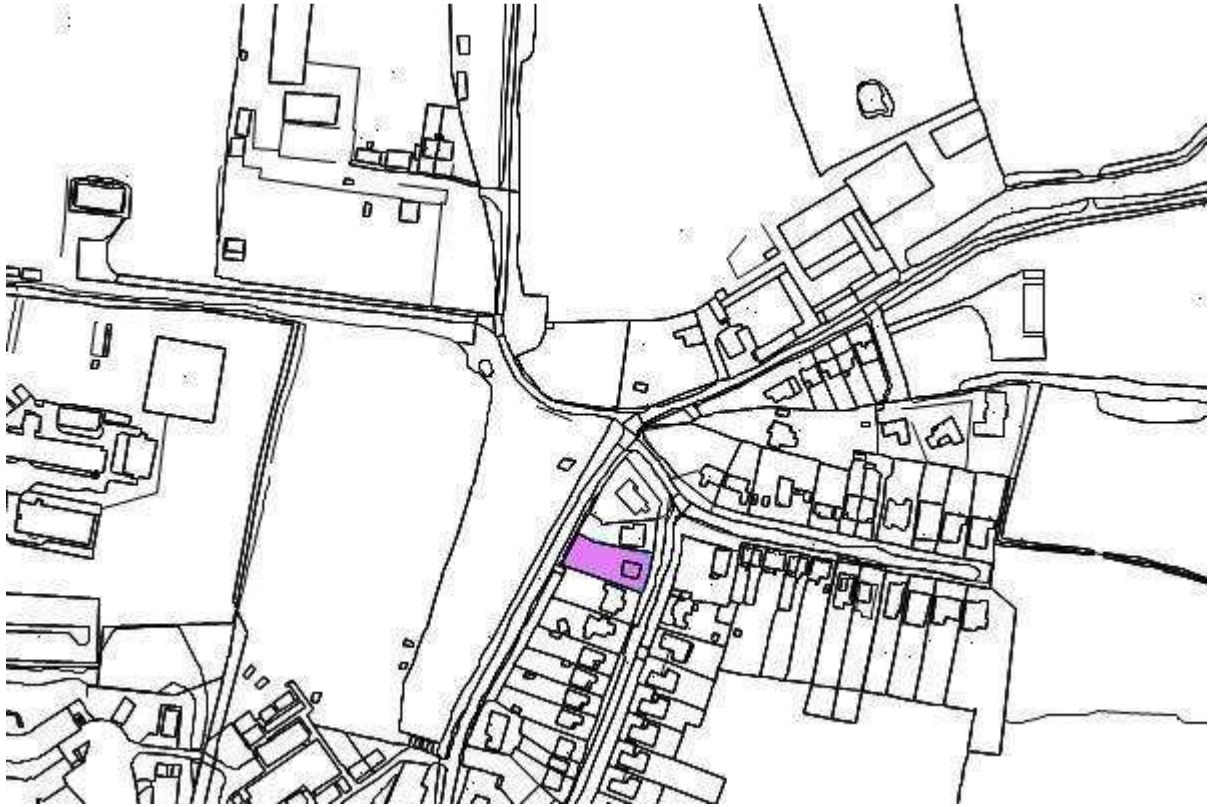
Approval subject to conditions

SITE LOCATION PLAN:
1AH

The Spinney, 4 Eleanor Crescent, London, NW7

REFERENCE:

H/02344/14



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LOCATION: Site Of 39A, Flower Lane, London, NW7 2JN

REFERENCE: H/01485/14

Received: 18 March 2014

Accepted: 28 March 2014

Expiry: 23 May 2014

WARD(S): Mill Hill

Final Revisions:

APPLICANT: Ms Mulchandani

PROPOSAL: Erection of two detached three storey and basement dwellings.

RECOMMENDATION: **Approve Subject to Conditions**

- 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: 1000 P01B, 1000 P02B, 1000 P03B, 1000 P04B, 1000 P05B, 1000 P06B, 1000 P07B, 1000 P08B, 1000 P09B, A145_015_PL05 (Proposed External Lighting), WSP Lighting Report, Design and Access Statement, Arboricultural Report Ref. 018524.

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).

- 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 Before the development hereby permitted commences on site, details of all external lighting (to include the number, power, lux levels and controls) shall be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and in accordance with plan no. A145_015_PL05 (Proposed External Lighting) and report "Environmental Appraisal of the lighting proposed at 39A and 39B Flower Lane" WSP - May 2012.

Reason: To ensure the proposal does not impact on the University of London Observatory."

- 5 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.

- 6 Before the development hereby permitted is brought into use or occupied the

site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

- 7 Before the building hereby permitted is occupied the proposed window(s) in the first floor flank elevations facing 1 Oakl Lodge Way, 39a, 39b and 41 Flower Lane 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.

- 8 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 and second floor flank and rear elevations facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane and the University of London Observatory without the prior specific permission of the Local Planning Authority.

Reason:

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

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

- 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. The landscaping scheme shall incorporate retention of existing trees and planting of additional coniferous trees along the boundary with the University of London Observatory.

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 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).

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 to Schedule 2 of that Order shall be carried out within the area of 39a and 39b Flower Lane hereby approved without the prior written permission of the local planning authority.

Reason:

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

- 16 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.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £36.04 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £32,868.48 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £123,120 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that

there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development

CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)
Residential Design Guidance (2013)
Planning Obligations (2013)

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Application:	Planning	Number:	H/00133/12
Validated:	01/02/2012	Type:	APF
Status:	DEC	Date:	20/06/2012
Summary:	APC	Case Officer:	Emily Benedek
Description:	Erection of two detached three storey dwelling houses with garages following demolition of two existing bungalows and garages.		

Application:	Planning	Number:	H/06020/13
Validated:	15/01/2014	Type:	S96A
Status:	DEC	Date:	05/02/2014
Summary:	APC	Case Officer:	Emily Benedek
Description:	Non-material amendment to planning permission H/00133/12 dated 12/06/2012. Amendments include alterations to window size/location and change of external facing material to brick.		

Consultations and Views Expressed:

Neighbours Consulted: 7
Replies: 5
Neighbours Wishing To Speak: 1

Summary of responses:

- Concern that there is the potential for light pollution to impact adversely on the operations of the adjoining London Observatory
- Concern regarding the potential for subsidence from piling on the site
- Concern that the proposal would impact adversely on the neighbouring residents at 1 Oaklodge Way to gain access to light and minimise the enjoyment of their garden
- Concern that trees on the boundary of the site may be removed as this would result in overlooking, reduced security and an increase in noise from the adjoining A41
- Concerns regarding the potential for a lack of access to the site by emergency services
- Concerns regarding the lack of submitted information in relation to foul sewage
- Concerns regarding the potential for flooding
- Concerns relating to the impact on the public right of way

Internal /Other Consultations:

- Traffic & Development – Raised no objections to the previously approved application
- Street Lighting Engineer - Raised no objections to the previously approved application subject to the inclusion of conditions

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a pair of back land semi-detached bungalows located on the east side of Flower Lane which is predominantly residential in character. The site is accessed via an existing access between Nos 39 and 43 Flower Lane. Located east of the site is the University of London Observatory, to the south is the Flower Lane resource centre and a pair of detached 2 storey dwellings are located to the north.

Proposal:

The application is a resubmission of a previously approved proposal for the erection of two three storey detached residential dwellings following the demolition of two existing bungalows and garages (H/00133/12). The application differs to the previously approved scheme as the proposed dwellings would feature basements.

The proposed dwellings will measure approximately 14 metres in depth, 8.8 metres in width and 10 metres in height with a gabled roof. Both properties will benefit from private garden amenity space.

Planning Considerations:

The main considerations are:

- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring properties
- The impact on highway safety and providing a sufficient parking allocation
- Other material planning considerations

The impact on the character and appearance of the property and surrounding area

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. In addition to the NPPF, Policy CS5 of the Core Strategy 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”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

The area surrounding the application site characteristically features a mixture of two storey, semi – detached and detached residential dwellings. Nos 39a and 39b Flower Lane are a pair of semi-detached bungalows that are not visible from Flower Lane. The neighbouring backland properties in Oak Lodge Way (two storey) and 41 Flower Lane (Flower Lane Resource Centre) comprise a mix of styles and there is no predominant building style which characterises the immediate area.

The current application is largely similar to a previously approved scheme for two detached dwellinghouses on the site (H/00133/12). The only difference between the two schemes is that the proposed dwellings in the current application would feature basements.

The proposed dwellings would feature gable fronted roofs to their front and rear elevations. The new dwellings respect the existing eaves and ridge height of the neighbouring property at Oak Lodge Way. The proposed dwellings are considered to relate satisfactorily to the immediately adjacent buildings and the development is considered to sit comfortably within the existing surroundings. The proposed dwellings are therefore considered to sufficiently maintain the character and appearance of the property and surrounding area.

The impact on the amenity of neighbouring properties

Policy DM01 of the Development Management Policies 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 proposed dwelling nearest to 1 Oak Lodge Way respects the existing front

building line of that property and will only project approximately 1.5 metres beyond the existing rear building line at a distance of approximately 3m from the flank elevation. Conditions have been recommended to obscure glaze the windows on the first floor flank elevations of both properties and restrict the insertion of further windows without prior consent from the Local Planning Authority. The proposed balconies on the rear elevations are recessed to ensure that they do not result in any overlooking to the occupiers of the neighbouring properties and the balconies to the front are located more than 21 metres from the end of the rear gardens of Nos 37 and 39 Flower Lane. Given all of the above it is considered that the proposal would not impact adversely on the amenity of adjoining residents to an extent that would warrant the refusal of the application on these grounds.

In terms of the impact of the proposed dwellings on the operation of University of London Observatory, the observatory raised concerns to the previously approved development on the basis that the observatory is involved in long term research observations of extra-solar planets, which requires brightness changes of the order of 1 to 2% in the host stars to be monitored on a regular basis. Diffuse and scattered background light from the 2 houses particularly the upper floors and roof skylight style windows may reasonably be expected to swamp the subtle variations in brightness and raise the existing threshold of the local sky background to a level which will inhibit effective observation.

As the property falls within direct sight of the University of London Observatory, the concerns raised by the organisation were taken very seriously and resulted in several changes to the previously approved scheme. The current application reflects these changes and it is considered that subject to conditions, the amount of light from the development is unlikely to be greater than that from other buildings in the vicinity and will not impact adversely on the Observatory.

The impact on highway safety and providing a sufficient parking allocation

No changes are proposed to the existing access route in order to gain vehicular, pedestrian, cycle access to the site. As the access is existing and currently services the two existing bungalows, the Council's Highways officers have raised no objection to its width or vehicle manoeuvrability. Concerns have been raised by respondents in relation to the access of the site to emergency services. It is considered that the removal of the garages in the front forecourt provides greater turning space for emergency vehicles should they need to access the site. Given that no changes are proposed to the access route or the number of dwellings in this location, it is not considered that the proposal will have a detrimental impact on pedestrian or highway safety.

The application site has a PTAL rating of 3 and would provide access to 2 car parking spaces for each of the properties. This is considered sufficient to comply with council parking standards.

Other material planning considerations

With regards to refuse, the proposed arrangements will remain as the existing set up. The existing residents of Nos 39a and 39b are required to bring their refuse to the edge of the public highway (between Nos 39 and 41) on refuse collection days and as the refuse vehicles do not currently access the dwellings it is not proposed that they will do so in the future either.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- It is proposed that all existing trees will remain on site.
- Conditions to deal with the potential light overspill onto the London Observatory will be included in the event that the application is approved
- Subsidence is not a consideration in the determination of a planning application
- Sewage is considered through the building regulations and not in the determination of a planning application
- A condition has been proposed relating to levels, although there is no evidence to suggest that the proposal will give rise to increased flooding in the area. The area is not one identified by the Environment Agency as at risk of flooding.
- Impact on private rights of way is not a material planning consideration.
- The remaining concerns raised have been addressed in the considerations above.

4. EQUALITIES AND DIVERSITY ISSUES

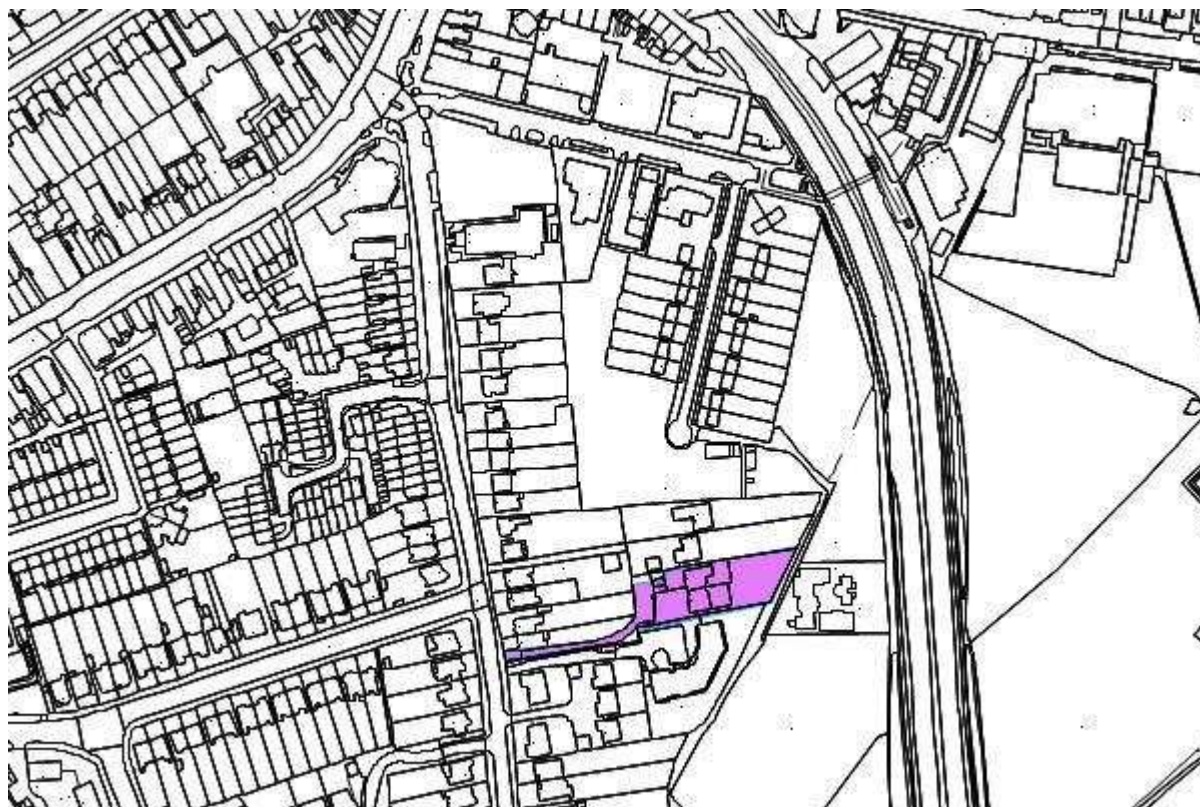
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Approval subject to conditions

SITE LOCATION PLAN: **Site Of 39A, Flower Lane, London, NW7 2JN**

REFERENCE: **H/01485/14**



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LOCATION: Mill Hill ERUV
REFERENCE: H/02182/14

AGENDA ITEM 7
Received: 22 April 2014
Accepted: 12 May 2014
Expiry: 07 July 2014

WARD(S): Mill Hill

Final Revisions:

APPLICANT: Mill Hill Eruv Committee

PROPOSAL: In connection with the creation of an Eruv in Mill Hill, and as an amendment to application H/1250/12 dated 6th March 2013, three new sites are proposed in this variation at the following locations:
Site 1 - Bittacy Hill junction of Engle Park (Site 300 - (4 x 6m Poles and wires).
Site 2 - Footpath between 27 & 29 Bittacy Rise (Site 301)- (2 x 3m Poles and Tie Bar)
Site 3 - Sanders Lane (footpath) junction of Tavistock Avenue (Site 302) (3 x 6m Pole, wires and fencing).

RECOMMENDATION: Approve Subject to Conditions

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

MH_300 Issue 1 - Inc Tree (1 of 3), MH_300 Issue 1 (2 of 3), MH_300 Issue 1 (3 of 3), MH_301 Issue 1 (1 of 2), MH_301 Issue 1 (2 of 2), MH_302 Issue 2 (1 of 3), MH_302 Issue 2 (2 of 3), MH_302 Issue 2 (3 of 3), Mill Hill Eruv - variation Eruv continuity/maintenance site 300, 301 & 302, Mill Hill Eruv - Material and Colour draft method statements report No MH 301, Mill Hill Big Map MH001_001 revision 014 7 April 2014

Reason:

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

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

Reason:

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

- 3 The poles hereby approved at the following sites shall be treated upon installation with anti climb paint 2.5m above adjacent ground level;

Site 3. Sanders Lane (footpath) junction with Tavistock Avenue

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

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

INFORMATIVE(S):

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

accordance with the Council's relevant policies and guidance.

- 2 The erection of development on the highway will require a licence under the Highways Act. It will be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security, technical specification (including colour of poles and type of wire) etc. The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out..
- 3 Licences under the Highways Act will only be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner.
- 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 kerbline on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
- 6 The applicant must obtain necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other consent(s) under relevant highway and traffic legislations prior to construction work commencing on site.
- 7 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

The 3 identified dimensions to sustainable development are: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including a social role. This is defined as: 'supporting

strong, vibrant and healthy communities ...with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

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

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

The Mayor's London Plan: July 2011

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

Policy 3.1 Ensuring Equal Life Chances for All
Policy 3.16 Protection and Enhancement of Social Infrastructure
Policy 6.10 Walking
Policy 7.1 Building London's Neighbourhoods and Communities
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.8 Heritage Assets and Archaeology
Policy 7.21 Trees and Woodlands

Barnet Local Plan (2012)

Relevant Core Strategy Policies:

CSNPPF National Planning Policy Framework – Presumption in Favour of Sustainable Development
CS1 Barnet's Place Shaping Strategy- Protection, Enhancement and Consolidated Growth - The Three Strands Approach
CS5 Protecting and enhancing Barnet's Character to Create High Quality Places
CS07 Protecting and Enhancing Barnet's Open Spaces
CS09 Providing Safe, Effective and Efficient Travel
CS10 Enabling Inclusive and integrated Community Facilities and Uses
CS12 Making Barnet a Safer Place

The Development Management Policies document provides the borough wide

planning policies that implement the Core Strategy.

Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity

DM02 Development Standards

DM03 Accessibility and Inclusive Design

DM13 Community and Education Uses

DM17 Travel Impact and Parking Standards

Relevant Planning History:

Application:	Planning	Number:	H/01250/12
Validated:	10/05/2012	Type:	APF
Status:	DEC	Date:	08/03/2013
Summary:	APC		
Description:	In connection with the creation of an Eruv in Mill Hill, and as an amendment to application H/01834/10 dated 6th July 2010, the construction of pole and wire gateways, 1m high posts known as 'leci' and fencing at the following locations: Site 1: Under the M1 Bridge, Ellesmere Avenue/Westmere Drive (4 x leci) Site 2: Fairway Court, The Fairway (4x 6m high poles and connecting wire) Site 3: Across the Barnet Way (A1) and outside 86 Barnet Way (2 x 4m high poles and 4 x 6m high poles and connecting wire. 4 x leci) Site 4: Courtland Primary School and between 42 & 44 Hankins Lane (2x 6m high poles and connecting wire) Site 5: Top of Bedford Road adjacent to Moat Mount Open Space (fencing) Site 6: NO LONGER REQUIRED Site 7: Highwood Ash, Highwood Hill and between York Lodge and Rafflewood, Highwood Hill (2 x6m high poles and connecting wire) Site 8: Highwood Hill Cottage, Highwood Hill (3 x 4m high poles and connecting wire) Site 9B: The Ridgeway- Sheepwash Pond/ War memorial (2x 6m high poles and connecting wire) Site9B: The Ridgeway- behind the war memorial (fencing) Site 9C: The Ridgeway- outside Bicentennial Building, Mill Hill School and opposite (2x 6m high poles and connecting wire) Site 9D: The Ridgeway- entrance to Mill Hill School and Headmaster's House (2x 6m high poles and connecting wire) Site 10: St Vincents Lane close to the junction with The Ridgeway (2x 6m high poles and connecting wire) Site 11: The Laboratory, Burtonhole Lane and 4 Oakfields, Burtonhole Lane (2x 6m high poles and connecting wire) Site 12: Near Oakfields Cottage, Partingdale Lane and to the rear of Ridgetop House and Elbury, The Ridgeway on Partingdale Lane (2x 3m high poles and connecting wire, fencing and 2x 6m poles and connecting wire) Site 13: Bray Road at the junction of Bittacy Hill (3x 6m high poles and connecting wire) Site 14: Entrance to Mill Hill Depot, Bittacy Hill (3x 6m high poles and connecting wire) Site 15: Entrance to Bittacy Business Centre, Bittacy Hill (2x 6m high poles and connecting wire) Site 16: M1 Junction 2/ Great North Way (3x leci) Site 17: Foot tunnel under Midland Mainline, Grahame Park Way (2x leci) Site 17A: A41 Bridge over old M1 junction 2 (Pentavia side) (2x leci) Site 17B: Bunns Lane backing onto M1 old junction 2 (fencing) Site 17C: Bunns Lane east of M1 bridge east of Dove Close (fencing) Site 17D: Bunns Lane/ M1 bridge (2x leci) Site 18: Bianca Court, Bunns Lane & 1 Langley Park (2x 6m high poles and		

connecting wire).
Case Officer: Clive Townsend

Background Planning History:

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

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

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

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

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

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

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

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

Eruv 3 and 4: Erection of street furniture comprising groups of poles (usually 2) between which is suspended at high level a wire to designate the perimeter of a nominated Eruv. Planning permission granted 08.01.1997 and 7.7.1998.

Consultations and Views Expressed:

Neighbours Consulted:	268	Replies:	18
Neighbours Wishing To Speak	0		

14 letters of objection have been received. The objections raised may be summarised as follows:

- Proposal is a sign of intolerance.
- Landscape should not be altered to accommodate religious symbols.
- Religious symbols should be within places of worship.
- Making an allowance for this religious group will lead to demands from other groups.

- The area is multi-cultural.
- There are no synagogues near by and therefore an Eruv is not necessary.
- One group should not impose their beliefs on another.
- This will increase pedestrian activity in an area where there are already high volumes of pedestrians on match days at the Saracens ground.
- Its unnecessary as there are very few orthodox Jews that live in this area.
- The fences between 27 and 29 Bittacy Rise are in private ownership.
- There is already a lot of street clutter in the area and the poles will add to this and further detract from the character and appearance of the area.
- The description of development for site 302 (Sanders Lane) is incorrect.
- The proposal will adversely effect existing open space.
- The proposals will attract graffiti.
- Proposal contrary to the NPPF in regards to standards of good design. Where benefit to a minority of individuals is marginal there can be no justification on broader equality grounds to set aside Barnet's adopted inclusive design policy to the detriment of local residents.
- Proposals will be a safety hazard to pedestrians and cyclists.
- Proposed post in Tavistock Avenue is not on land owned /licensed by the applicant and would be highly visible and inconveniently located.
- Proposed posts are a security risk enabling people to climb over boundary fences.
- 6m high Eruv poles already exist close to site 302 these appear to have been built without consent. These poles are an eyesore. Maintenance of these wires has caused overlooking of adjoining bedroom windows and led to public trees being regularly pruned by private individuals.
- Proposal is an encroachment on non-religious residents.

1 letter of general support was received.

3 letters providing the following comments were received:

- No objection providing it does not stop non-Jewish families moving to the area.
- Permission for the Eruv has already been given this application is just a change to that permission.
- As long as the poles and wires are non-obtrusive there are no objections.

Internal /Other Consultations:

Greenspaces - No comments

Date of Site Notice: 29 May 2014

2. PLANNING APPRAISAL

Background:

Amongst the restrictions accepted by Orthodox Jews are the prohibitions of carrying - which includes the pushing of wheelchairs and pushchair's - from public space to a private space and vice versa, and carrying in a private street, on the Jewish

Sabbath.

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

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

There are three established Eruv in the borough - the Edgware Eruv; the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv) and the Woodside Park Eruv. The Mill Hill Eruv which was granted consent in 2010 is in the process of being installed.

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

The boundary itself does not require planning permission however the development proposed in this application would complete the boundary where there are any gaps.

The proposal involves development (poles & “wire” and/or fencing) at 3 sites.

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

Any wire or other feature crossing the public highway must be at least 5.5m above the surface of the road.

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

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

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

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

other disturbance will be limited as much as possible.

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

In selecting a wire material the key requirement was to try and minimise the diameter and visual effect. The diameter of less than 1/2 mm is equivalent to the visibility of a car from 8km distance. The materials have been selected to minimise any hygroscopic (water absorption) which in an outdoor environment would subject the fibres to damage due to freeze thaw, water and UV light. Yet the materials would need to be weak enough to snap should the wire be struck by any passing over-height vehicle.

It is proposed that the poles to be used will be fabricated from S235 steel, zinc plated and painted either grey or green depending upon their location. All poles will be installed in a ready full finished state however if poles are scratched or if required while in use these may be repainted to ensure consistent high cosmetic standards.

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

Protection of the public is a key issue and the design of all the proposed poles has been either in line or exceed current requirements. However in the extremely unlikely event of any incident or injury the Eruv will be maintaining public liability insurance of at least £10m. To date there has been no example of any claim against any Eruv for public liability in the UK.

Should planning permission be granted a series of special licences under Highway legislation will also be required to permit these works to be commenced.

The cost of the Eruv, as well as its annual maintenance, will be borne entirely by the Jewish community. Maintenance and upkeep of all these works and the insurance will be the responsibility of the Mill Hill Eruv Committee. The erection and maintenance of the Eruv boundary will be funded by the committee and will not provide any burden on public finances. Weekly inspections will be carried out of the route to ascertain the integrity of the Eruv and to identify any breakage's that need fixing.

Background to the Mill Hill Eruv:

Planning permission was granted in 2013 for the creation of an Eruv in Mill Hill (our ref: H/1250/12). Permission was granted for 18 sites where poles; fencing and/or leci were required. Work has commenced on implementing this consent.

Before work commenced on implementing the consent, the Mill Hill Eruv committee reviewed each of the approved sites and due to changes in the boundaries and treatments around the Millbrook Park development near Mill Hill East Station it was recognised that the Eruv as consented could not be implemented. Therefore in

order to provide a boundary that achieved the requirements for an Eruv boundary a number of changes would be required. As a result it was proposed not to implement the following consented sites:

Site 13: Bray Road at the junction of Bittacy Hill (3x 6m high poles and connecting wire)

Site 14: Entrance to Mill Hill Depot, Bittacy Hill (3x 6m high poles and connecting wire)

Site 15: Entrance to Bittacy Business Centre, Bittacy Hill (2x 6m high poles and connecting wire)

The current application has therefore been submitted for three alternative sites. The proposal at each of the sites is described and appraised below.

Site 1: Bittacy Hill junction with Engle Park (4 x 6m high poles and connecting wires)

Four 6 m high poles are proposed. Pole number 1 would be sited on adjacent to the end of the brick boundary wall for IBSA house. Pole number 2 would be located approx 28m south of pole number 1 bridging one of the new entrances to Millbrook Park. Pole number 3 would be located approx 19m south of pole 2 in the verge of the Millbrook Park development and opposite the junction with Engle Park. Pole Number 4 would be located on the junction of Bittacy Hill and Engle Park and would bridge the gap of Bittacy Hill. The pole would be located adjacent to the low brick boundary wall for No.1 Engle Park. All poles would be 6m high and connected by wire.

Appraisal: The poles on Bittacy Hill have been located at the back edge of the footpath and would be viewed against the mature vegetation that exists along the boundary of the Millbrook Park development and a number of lamp columns. The pole on the corner of Engle Park and Bittacy Hill would be butted up to an existing boundary wall and again would be viewed against an adjoining lamp column. The proposed poles are therefore not considered to be visually obtrusive or detrimentally impact upon the amenity of adjoining residents. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

No specific objections to this site have been received.

Site 2: Footpath between 27 and 29 Bittacy Rise (2 x 3m poles and tie bar)

A small footpath runs between 27 and 29 Bittacy Rise providing pedestrian access from Bittacy Rise to Bittacy Hill Park. Bittacy Rise is a residential street characterised by two storey semi detached post-war suburban housing. Two 3m high poles are proposed. The proposed poles would be located on the footpath abutting the boundary fences to the rear gardens for Nos. 27 and 29 Bittacy Rise. The proposed poles would be set approx 0.5m back from the entrance to the park. The proposed poles would be wooden and connected by a steel tie bar.

Appraisal: The proposed poles have been located back from the entrance from the

park so as not to interfere with the root systems of the mature trees and vegetation on this boundary. The proposed poles would be wooden in order to minimise their visual impact and it is considered that when viewed from either the park or the rear windows/gardens of the adjoining properties they will be viewed against the backdrop of this vegetation and therefore its is considered that their visual impact would be minimal. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The following specific objections were received in relation to this site:

- The fences between 27 and 29 Bittacy Rise are in private ownership.
- The proposal will adversely effect existing open space.

Officers Comments:

- Land ownership is not a material planning consideration.
- The proposed poles have been located as sensitively as possible to minimise their impact on the adjoining open space.

Site 3: Sanders Lane (footpath) junction of Tavistock Avenue (3 x 6m poles, wire and fencing)

Sanders Lane at the junction with Tavistock Close is a pedestrian footpath that links these roads through to Bittacy Hill. Sanders Lane is used by both pedestrians and cyclists. Tavistock Close is part of the new Lidbury Square development. Three 6m high poles and 1.2m high fencing are proposed. Pole 1 would be located at the entrance to Sanders Lane at the back edge of the footpath the partnering pole (Pole 2) would be located on the opposite side of the footpath and the poles would be connected by a wire a third pole would be located adjacent to the boundary with No.12 Tavistock Close/the electricity sub station and would be connected to pole 2 by a spanning wire. In order to provide the continuous boundary necessary for an Eruv to be operative fencing is proposed to either side of the poles located adjacent to the Sanders Lane footpath. The proposed fencing would be 1.2m high powder coated green chain link fencing. The fencing would span a 6m gap between the side boundary of No. 76 Grants Close sand Pole 1 and a 20m gap between Pole 2 and the side boundary of No.15 Tavistock Close.

Appraisal: The entrance to Sanders Lane is marked by a series of wooden bollards with a grassed verge behind at the entrance to the footpath, approx 10m back from this a mature laurel hedge is located either side of the footpath and there are a number of lamp columns and poles. This is the proposed location of Poles 1 and 2. Pole 3 would be located on the opposite side of the road adjacent to a 1.8m high close boarded fence and a mature hedge, this pole would be located between two lamp columns. It is therefore considered that given the existing poles and lamp columns and the nature vegetation and trees the proposed poles will not detract from the streetscene or the visual amenity of adjoining residential properties. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The following specific objections were received in relation to this site:

- There is already a lot of street clutter in the area and the poles will add to this and further detract from the character and appearance of the area.
- The description of development for site 302 (Sanders Lane) is incorrect.
- The proposal will adversely effect existing open space.
- The proposals will attract graffiti.
- Proposals will be a safety hazard to pedestrians and cyclists.
- Proposed post in Tavistock Avenue is not on land owned /licensed by the applicant and would be highly visible and inconveniently located.
- Proposed posts are a security risk enabling people to climb over boundary fences.
- 6m high Eruv poles already exist close to site 302 these appear to have been built without consent. These poles are an eyesore. Maintenance of these wires has caused overlooking of adjoining bedroom windows and led to public trees being regularly pruned by private individuals.

Officer Comments:

- It is acknowledged that there are a number of poles, street signs and lamp columns in the area. However, it is considered that the addition of three poles would not adversely impact on the visual amenity of the area to such a level as to warrant a refusal.
- The description of development - 3 x 6m poles, wires and fencing is considered correct.
- The site is a footpath that is enclosed on either side in the area of the site with boundary fencing. The proposed site is therefore not considered to be open space for planning purposes.
- The poles will be monitored on a weekly basis to ensure that the Eruv boundary is not broken and therefore any graffiti will be picked up and dealt with quickly.
- The poles are located at the back edge of the footpath so as not to hinder access by pedestrians or cyclists.
- Land ownership is not a material planning consideration.
- As with the poles already granted consent under H/1250/12 if Members are minded to approve the application a condition requiring the poles to be painted with anti-climb paint is recommended.
- The alleged unauthorised Eruv poles have been passed through to the enforcement team for investigation.

3. PLANNING CONSIDERATIONS

The proposal falls to be considered against the relevant development plan policies, in each of the appraisal sections above the individual sites have been assessed against the relevant general planning policies in terms of their visual impact.

With regards to specific policy support for the principle of the proposal, this can be found at Policy CS10 of the Adopted Core Strategy which seeks to ensure that community facilities are provided, including places of worship, for Barnet's communities. Development management Policy DM13 in respect of community uses seeks to ensure that there is no significant impact on the free flow of traffic and road

safety and will be expected to protect the amenity of residential properties. Depending on the location of the proposed poles; “wire” and fencing different policies will apply. The policies in respect of Character, Design, Road Safety will apply almost universally, more specific policies such as those relating to conservation areas will depend on the precise location of the proposals.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the section above. However, the following specific responses can be made:

- The Eruv is considered necessary by the Orthodox Jewish community who form part of the population of Barnet.
- The borough has the benefit of a number of established Eruvs and it has not been found to lead to racism or vandalism.
- The boundary of the Eruv has been drawn up by the Eruv committee to meet the needs of its membership.
- The council has not experienced applications from other pressure groups as a result of other Eruv applications elsewhere in the borough. Any application from any group or individual will be considered on its merits and judged against adopted policy and national legislation.
- The council acknowledge we live in a multi-cultural society and as set out in Policy CS10 the Council seeks to meet the needs of all of its communities.
- The experience from other Eruvs within the borough is that they haven't lead to an increase in anti-Semitic incidents.
- The proposed Eruv is not considered to increase the risk of crime.
- The proposed Eruv does not contain any religious symbols.

4. EQUALITIES AND DIVERSITY ISSUES

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

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

Section 149 provides:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:-

- eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;
- a. advance equality of opportunity between persons who share a relevant protected

- characteristic and persons who do not share it;
- b. 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 an equalities questionnaire being sent to all consultees requesting their views on the potential equalities impact of the development on protected groups in the area who might be affected by the scheme.

Analysis of relevant impacts on protected groups

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

- Jews
- Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- Secular Groups – Agnostic, Atheist, Humanist
- Disabled people
- Elderly Jews
- Young children and parents of young children who are Jewish
- Jewish women (on the assumption that these have greater childcare responsibility)

Before analysing the potential impact of the proposal on each of these groups it must be acknowledged at the outset that monitoring and assessing religious equality or equality between people with different beliefs can be difficult. Varying levels of commitment to particular religious or beliefs can make it difficult to interpret the information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith and an orthodox Jew who observes the Sabbath and refrains from “carrying” on that day except within an Eruv.

Orthodox Jews

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws.

The Jewish Community comprises 15% of Barnet’s population. This prohibition has the following potential adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath.

Parents cannot utilize a pram or pushchair to take their baby/young child with them to the synagogue or anywhere else such as to friends, elations etc. In effect this means that children aged two and under may be housebound and unable to attend synagogue. The same will be true for at least one of their parents, a situation that would persist until all the children in a family are able to walk to synagogue and back.

The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

Disability takes various forms and those who require an appliance such as wheelchair, walking stick, zimmer frame to get out and about cannot make use of such aids in a public thoroughfare without transgressing Jewish Law on the Sabbath.

The prohibition also applies to the carrying of medication such as pills, nebulisers etc. unless the absence of such medication were life threatening. Less obviously Jewish law also prevents the carrying of reading glasses whilst walking.

The introduction of the Eruv would directly benefit these members of the Jewish community who are adversely affected as described.

Other members of the Jewish community would also benefit indirectly from the lifting of this restriction on their friends and family members thus enabling all to socialize

and worship together on the Sabbath.

The majority of the Jewish community who completed the questionnaire were in favour of the proposal. The most common point made being the benefit that the Eruv would bring to the Jewish community.

Other Faith Groups

Other protected groups who may be impacted by the Eruv development by virtue of their religious beliefs include members of the Bahai, Buddhist, Christian, Hindu, Jain, Muslim, and Sikh communities who comprise a combined total of 73% of the borough's population.

Based on the equalities questionnaires distributed in respect of this application of the total of 12 questionnaires that were returned completed (or partially completed) 3 (25%) were completed by persons within these groups. The only faith group represented within this section were Christians of which only 1 objected to the proposal.

Of the 3 questionnaires returned by persons within these groups the main objections/concerns raised by members of these groups were:

- Unnecessary waste of money at a time when council resources are stretched.

The cost of the instillation and maintenance of the Eruv is being met by the applicant and not the Council. Therefore there is no impact on the Council in terms of funding.

Officers recognise the concerns about the perceived impact that the Eruv development will have on the religious beliefs of members of other faiths in the community. The effect of this on the individual will vary from person to person and there is clearly an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief. The level of commitment to a particular religion or belief will vary from person to person.

However these identified impacts on members of other faith groups must be balanced against the following considerations:-

- The proposed Eruv equipment comprising poles, wire, and fencing will not display any Jewish or any other religious symbolise that would allow them to be readily identified as being of religious significance.
- The proposed poles would be up to 6 m high and connected in places by relatively thin wire. Officers consider that they would appear as part and parcel of the variety of street furniture with no discernible religious significance. In addition the poles and equipment will be located where possible at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene.

The physical impacts of the proposed Eruv equipment have been considered on a site by site basis earlier in this report. Officers consider that the siting of the Eruv equipment would not result in visual obtrusions such as to warrant refusal of the

proposal and the equipment could be readily assimilated into the general street scene.

There are already Eruvim in existence in Barnet, and the operation of these provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

Officers recognise and have had due regard to the strongly held views of members of other faith groups about the potential negative impacts of the Eruv of their beliefs and local environment. However, officers consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where there is no evidence that these concerns have been borne out in practice. The potential adverse impact of the proposal on these protected groups also needs to be balance against the positive outcome that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to worship at the Synagogue on the Sabbath.

Secular Groups

This group includes Atheists, Agnostics and Humanists. A total of 3 (25%) completed questionnaires were received from members of these communities, of which all 3 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

The key concerns raised by the objectors were:

- Any physical article erected by any religious sect is unwelcome in a secular society.
- Proposal is a sign of intolerance.
- Landscape should not be altered to accommodate religious signs from an extremist religious group.
- Religious symbols should be within places of worship.
- By allowing this application, other applications from other religious groups will be encouraged.

It is evident from the consultation that these concerns together with the objections in respect of the potential imposition of religious symbols / designation on members of other faith groups and secular persons are strongly held views by those who responded.

It is considered that these perceived adverse impacts are mitigated by the following:

- The successful operation of existing Eruvim elsewhere in this borough and in neighbouring authorities where there is no evidence that an Eruv gives rise to tension between secular and religious groups.
- The Eruv equipment does not carry any Jewish symbolism and is usually seen as part and parcel of the normal street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Jewish Community.

Disabled people

A total of 1 questionnaire (8.3% of the total returned) was completed by persons who stated that they have a disability under the Disability Discrimination Act definition ("a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities"). The questionnaire was completed by a member of the Jewish community, however in their response they didn't refer to any specific benefit to them.

Potential negative impacts on disabled people

Although this was not a point raised in questionnaires responses, there may be a potential impact on partially sighted/blind persons whereby the equipment could create a trip or collision hazard which could have a serious effect on their safety and general wellbeing.

Officers consider that the sites for the equipment have been carefully chosen so as to prevent a trip or collision hazard arising. The Eruv poles themselves are 76mm in diameter so are relatively thin structures that can be sited at the back edge of the pavement so as to minimise intrusion onto the footway. The Eruv poles are considerably smaller than many items of street function that can be erected without the need of any planning permission. The location of the Eruv poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

The councils Highways Group, who are directly responsible for highway and pedestrian safety on the Borough's roads have been consulted throughout the process and have no objections to the proposal. The impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration.

In addition to planning permission being necessary, the equipment also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued.

With regard to the existing Eruvim in the borough there have not been any incidents of the Eruv poles causing an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of poles on the public highway could result in a hazard to members of the public in general and disabled persons in particular that is not the case with this proposal. Each site has been carefully assessed and it is considered that the siting of the poles would not adversely impact disabled members of the community.

Positive impacts on disabled persons

On the other hand, the proposal would significantly and positively benefit disabled members of the Jewish community in that it would enable them to attend the synagogue for worship on the Sabbath as well as generally being able to leave their houses to socialise with friends and family on those days. It would in effect give them

the same opportunity to join in the spiritual and social life of their community, as well as the wider community on the Sabbath in accordance with the Equality Act.

Overall, officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Jewish community.

Elderly People

There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled.

Positive impacts for elderly Orthodox Jews

Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals. Without an Eruv elderly Orthodox Jews are prohibited from carrying these items on the Sabbath and as such may be housebound and unable to attend synagogue.

The implementation of the Eruv will allow elderly Orthodox Jews to participate in religious and communal activities more easily.

Of the 4 questionnaires completed by members of the Jewish community, 2 (16.6%) were completed by elderly persons (65 +) neither of whom supported the proposal.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on the elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise as for disabled persons, for example potential impacts in relation to greater obstructions on the pavement etc.

Overall it is considered that the Eruv would bring significant benefits to elderly members of the Jewish community, as described in the previous section. Conversely the Eruv could have potential negative impacts as identified in the previous section but it is considered that these concerns have been addressed.

The proposal would have clear and significant benefits for elderly members of the Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

Young Children and parents of young children in the Jewish Community

Without an Eruv, very young children that have not reached walking age or are only capable of walking short distances would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

Due to childcare 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 pushchair's, pram's etc for taking children out on the Sabbath. This would provide greater equality of opportunity not only for the children themselves but also their carer's. In addition there would be

indirect benefits to the wider community from being able to include all members in the various activities.

Officers consider that the proposal would positively benefit members of this particular group. No noteworthy potential adverse impacts on members of this group have been highlighted or drawn to officers attention through the consultative process.

Fostering Good relations

With regard to the Public Sector equality duty S149 (5) of the Equality Act 2010 requires that the Council have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard, in particular, to the need to:-

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

It is considered that the planning application itself provides an opportunity for inter religion understanding to be promoted. The promotion of the planning application and public consultation which outlines the role of the Eruv has provided an insight into the practices of the Orthodox Jewish Community to other local people.

Overall conclusion on equalities impacts

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

The potential equality impacts both positive and negative have been weighed in the case of each of the affected protected groups. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on elderly, disabled and young members of the Orthodox Jewish Community.

Officers consider that proposal has the potential to generate certain negative impacts on groups with the protected characteristics of age, disability, religion or belief.

There have been objections to the application made in respect of religious or belief characteristics. A number of people feel strongly against the Eruv and have taken the time and trouble to detail those objections.

However, officers consider that in practice the development would not change the use of the land nor impose any changes in behaviour on others. The development proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath.

The creation of the Eruv itself does not require planning permission as most of the boundary does not involve development for the purposes of the Town and Country Planning Act 1990. The application comprises street furniture, poles joined at the top by “wire” and fencing.

Besides the poles and “wire” there are no other manifestations delineating the Eruv boundary. The development would not display any signage or religious symbol.

No one group would be directly disadvantaged by the Eruv, however those Jews who do not wish to transgress Jewish Law would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups, outside of the Jewish community.

5. CONCLUSION

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advises has three dimensions; economic, social and environmental. 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.

The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in this regard.

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

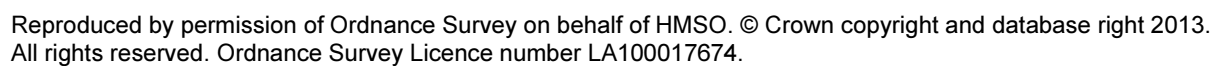
Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups, outside of the Jewish community as

previously addressed.

Eruvim already exist elsewhere in the borough and officers have visited these to assess the impact that the equipment has on the character and appearance of those areas. Officers consider that the Eruv equipment has no adverse impact and readily assimilates into the street scene. Similarly there is no evidence that the concerns raised in respect of the potential adverse impacts of the proposal on protected groups have materialised.

The proposals are considered to be acceptable and approval is recommended subject to conditions.

REFERENCE: H/02182/14



LOCATION: 19 Station Road, Edgware, Middx, HA8 7JE

REFERENCE: H/01988/14

Received: 16 April 2014

Accepted: 30 April 2014

Expiry: 25 June 2014

WARD(S): Edgware

Final Revisions:

APPLICANT: Mr A Jabarkhil

PROPOSAL: Change of use from Class A2 (Financial and Professional) use to Class A3 (Restaurant/Cafe) use.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Site Location Plan; RPA/19/SR/101; RPA/19/SR/102.

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 The use hereby permitted shall not be open to customers before 9am or after 11pm on weekdays and Saturdays or before 9am or after 10.30pm on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 5 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 7 pm on any other day.

Reason:

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

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

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DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

INFORMATIVE(S):

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

Greater London.

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

Relevant Local Plan (2012) Policies:

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

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

Relevant Development Management DPD (2012): Policies DM01, DM04, DM11, DM12.

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (April 2013) and Sustainable Design and Construction SPD (April 2013) are now material considerations.

Relevant Planning History:

Site history for current landparcel :

15675 - 19 Station Road, Edgware, Middx, HA8 7JE

Case Reference: **H/01988/14**

Planning applications picked up in spatial search

Site Address:	19 Station Road Edgware Middlesex HA8 7JE
Application Number:	W01087H/04
Application Type:	Advertisement
Decision:	Approve with conditions
Decision Date:	18/05/2004
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Installation of internally illuminated shop fascia and internally illuminated projecting sign.

Case Officer:

Site Address:	19 Station Road Edgware Middlesex HA8 7JE
Application Number:	W01087G/03
Application Type:	Advertisement
Decision:	Approve with conditions
Decision Date:	01/12/2003
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists

Proposal: Installation of internally illuminated fascia sign.
Case Officer: Sally Fraser

Site Address: 19 STATION ROAD EDGWARE MIDDX HA8 7JE
Application Number: W01087F/00
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 11/10/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Installation of new shopfront.
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 32 Replies: 9 + 1 petition with 35 signatures
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- immense business activity within this part of Station Rd and southern end of Station Rd is the least busy end
- allowing an A3 use immediately next door to an existing A3 will be detrimental to the neighbouring property as there will be two similar businesses competing for trade with each trying to outflank each other resulting in a decline in profits
- narrow alley between No. 17 and No. 19 Station Rd will create problems with refuse storage bin/collections and cleanliness of a shared alley thus creating a health/safety and environmental hazard
- legal action is pending against two of the shops next to the application site in regards to location of waste bins and the volume of food waste and rubbish which is generated by these businesses
- rubbish/waste disposal - the proposed business will generate voluminous waste with no where for additional bins to be accommodated
- air-conditioning/extractor units/noise
- too many food outlets
- traffic/parking
- rear access and rats
- fire
- anti-social behaviour
- this type of development is further destroying the ambience of the area

Internal /Other Consultations: N/A

Date of Site Notice: 08 May 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a retail ground floor unit within a two storey end-of-terrace block located on the south-west of Station Road; which is within the secondary frontage of Edgware Town Centre.

The property is not listed and does not fall within a designated conservation area.

Proposal:

The proposal seeks to change the use of the unit from A2 (Financial and Professional) to use class A3 (Restaurant/cafe).

No external alterations are proposed as part of this application.

Planning Considerations:

Whether the proposals would have an acceptable impact on the character and appearance of the surrounding area and the function of the town centre

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

Policy 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 DM11 seeks to support the continued vitality and viability of Barnet's town centres. In this case, the property was last in A2 use. As such there will be no loss of an A1 retail unit and no conflict with policy DM11.

Advertisement consent will be required for the display of adverts and planning permission will be required for the installation of a new shopfront. The impact of these on the character and appearance of the streetscene and surrounding area will be considered at the time of deciding these applications and to ensure that the proposals comply with policy DM01 and DM02 as stated above.

Use of premises for A3 purposes is an appropriate use within a town centre and the proposed change of use from A2 into A3 is considered not to undermine the vitality and viability of this section of Station Road. Whilst it is acknowledged that there are other A3 and A5 uses in the vicinity of the host property, the proposed change of use is not considered to unbalance the character of the shopping parade, as there is no loss of a retail A1 unit. Competition between units is not a material consideration.

Whether the proposals would harm neighbouring amenity

Information in relation to the location of refuse/recycling storage and extraction/ventilation equipment has not been provided as part of this application, however conditions are proposed to ensure that details of the proposed refuse/recycling provision and the proposed extraction/ventilation equipment are submitted and will not be harmful to the residential amenities of nearby residents. In this case, the property has a service area at the rear that can accommodate refuse

storage and an accessway to the side where a flue could be located.

The proposal is for an A3 restaurant/ cafe use and not a takeaway which would fall within class A5. Some of the concerns raised by residents relate to issues with other takeaway outlets in the town centre. It is considered that the matters raised by residents in relation to potential anti-social behaviour and hygiene problems are not matters that could justify the refusal of an application for a restaurant in this case.

The level of traffic is unlikely to be significantly greater than could be generated by any other town centre use.

Subject to conditions, it is considered that the proposed use is appropriate within a secondary frontage in the town centre and that the use can be accommodated without significant harm to the residential amenities of residential occupiers to the rear.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning considerations addressed above.

The following are not considered to be material planning considerations:

- competition between units
- any pending civil/legal action between residents/businesses

4. EQUALITIES AND DIVERSITY ISSUES

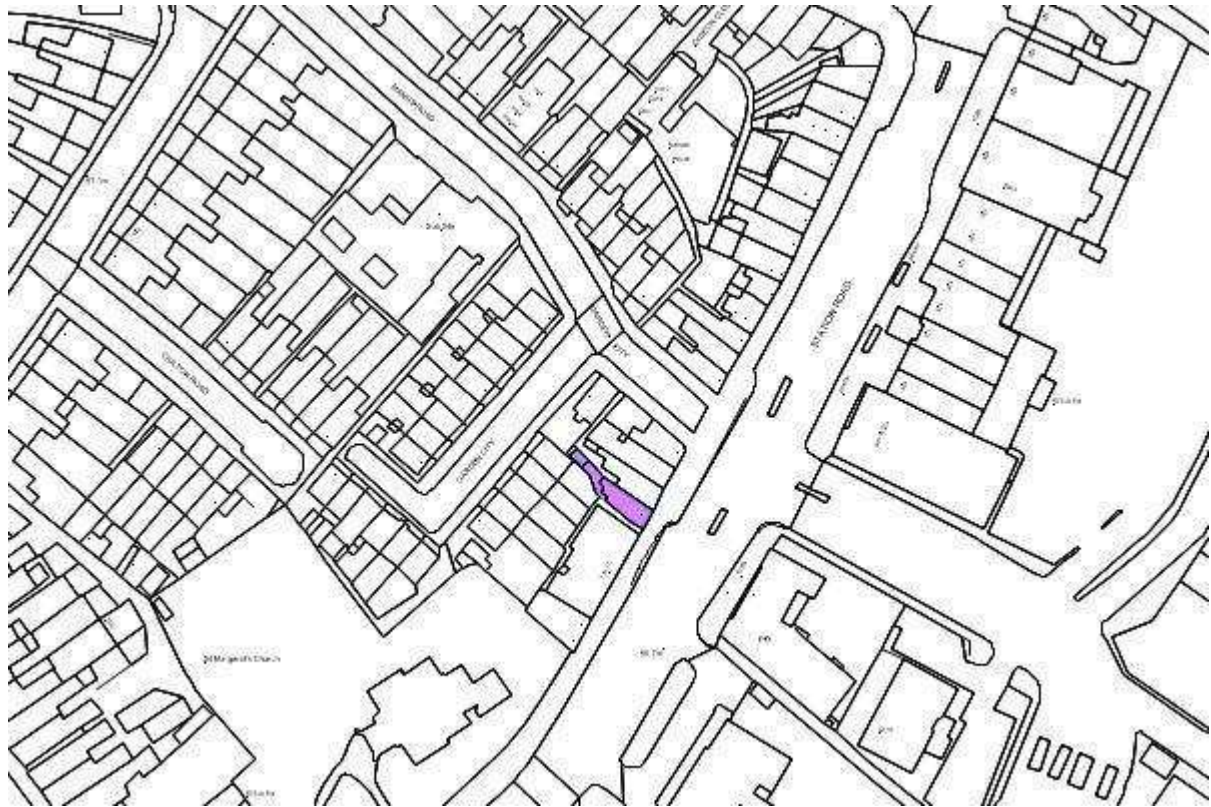
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **APPROVAL subject to the attached conditions**.

SITE LOCATION PLAN: 19 Station Road, Edgware, Middx, HA8 7JE

REFERENCE: H/01988/14



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LOCATION: 90 Audley Road, London, NW4 3HB

REFERENCE: H/01741/14

Received: 30 March 2014

Accepted: 11 April 2014

Expiry: 06 June 2014

WARD: West Hendon

AGENDA ITEM 9

Final Revisions:

APPLICANT: Mr Kadiwar

PROPOSAL: Single storey rear extension and conversion of existing house into 2no. self-contained flats

Approve Subject to S106

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 **Highways (traffic order) £2,000.00**
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 4 **Monitoring of the Agreement £100.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference:

H/01741/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Planning Statement; Sustainability Report; 805/01 (Site Location Plan); Block Plan; Proposed Block Plan Rev A; 01A Rev A; 02A Rev A; 03A Rev A; 04A Rev A; 05A Rev A.
Reason:
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

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

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

Reason:

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

- 5 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

- 6 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 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.

- 8 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) 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 19/09/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/01741/14 under delegated powers for the following reasons:

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

Greater London.

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

Relevant Local Plan (2012) Policies:

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

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

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (April 2013) and Sustainable Design and Construction SPD (April 2013) are now material considerations.

Relevant Planning History:

Planning applications picked up in spatial search

Site Address:	90 Audley Road LONDON NW4
Application Number:	W09905
Application Type:	Full Application
Decision:	Refuse
Decision Date:	10/03/1992
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Conversion of house into two self-contained flats.
Case Officer:	

Consultations and Views Expressed:

Neighbours Consulted: 88 Replies: 4 + 1 petition with 30 signatures.

Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- proposal will have an adverse impact on the character and appearance of the area
- adverse impact on the living conditions of occupiers and of adjoining residential properties
- demand for car parking in the area and the consequent effect on highway safety

- planning statement states that several houses have been converted into flats on Audley Rd, this is not the case, only a 'few' houses have been converted
- the house is not 8bed, it is originally 6bed with a recent loft conversion
- application proposed 3 flats, whereas 2 may be acceptable
- disproportionate and out of keeping with the surrounding area
- overcrowding in number of people/overpopulation
- increased littering and uncleanliness
- negative impact on the Borough services
- the proposed extension will set a precedent for extensions
- the proposed windows facing No. 92 Audley Rd would be poorly lit

Internal /Other Consultations: Traffic & Development:

The proposal with no off street parking is not in accordance with the parking standards in the Local Plan.

However, in view of the site's close proximity to underground and bus services, shopping amenities and position within a controlled parking zone and that the existing dwelling has a large number of bedrooms and no off street parking; it is considered appropriate to amend the traffic order to exclude the proposed new flats from the schedule of addresses eligible for resident parking permits in the CPZ, in order to mitigate the on street parking impact in the vicinity of the site.

To effect this exemption it will be necessary to amend the Traffic Regulation Order that covers the Controlled Parking Zone. A Legal Agreement to include a contribution of £2,000 will be required towards the cost of amending the Traffic Order.

This is consistent with other highways recommendations for residential developments in this road in close proximity to the site and with the inspector's appeal decision for a neighbouring property (ref H/00318/10) which included lack of an agreement to amend the Traffic Order as a reason for dismissing the appeal, but stated that such an agreement would be sufficient to protect the highways from further on-street parking caused by that development.

Date of Site Notice: 24 April 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached single family dwellinghouse located on Audley Road; a residential street which falls within the West Hendon area of the Hendon area.

The property is not listed nor does it fall within a designated conservation area.

Proposal:

The application seeks to convert the existing single family dwellinghouse into 2no self-contained units facilitated by a single storey rear extension

The 2no units would comprise of:

- 1no 3 bed flat
- 1no 4 bed flat

The plans have been amended since the original submission to reduce the number of proposed self-contained units from 3 no to 2no, omit the first floor rear terrace from existing and proposed plans and reduce depth of ground floor rear extension at adjoining boundary.

Planning Considerations:

The main issues 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.

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

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

Size of Flats

Policy 3.5 of the London Plan states that 3 bedroom flats should be between 74-95 sqm and 4 bedroom flats should be between 90-99 sqm in floorspace area. Both flats proposed would exceed these standards.

Impact on Character of Area

The application proposes a single storey rear extension which has a maximum depth of 4 metres, however, given that both neighbouring properties have been extended at ground floor level, it is considered that the proposed extension would not have a detrimental impact on neighbouring amenity or the character and appearance of the area.

Flat conversions have become an established characteristic of Audley Road with a number of properties having been converted with the benefit of planning permission. Given the character of the street, the principle of the proposed conversion is therefore considered to be acceptable. It is considered that the refuse storage for 2 flats could be accommodated within the front garden area, without undue harm to the appearance of the area.

Amenity Space

The proposal results in 10 habitable rooms. Barnet's Sustainable Design and Construction SPD requires 5 sqm of amenity space per habitable room. This would make a total requirement of 50 sqm and the rear garden area is therefore of a sufficient size. However, details of the subdivision of the garden space have not been submitted. A condition is recommended to be attached to the permission requiring these details to be agreed. Each flat will have their own access via the existing shared access at the side of the property.

Parking

The plans do not comply with the Council's Parking Standards as no off-street car parking has been provided. A site visit to the area suggests that there is pressure for on-street parking and residents are concerned that the subdivision of the property into flats will contribute to the already strained parking problems.

The site lies in close proximity to underground and bus services and shopping amenities and is within a controlled parking zone. It is also noted that the existing dwelling has a large number of bedrooms and no off street parking.

Following comments received from the Council Traffic & Development Team, it was suggested that the applicant enter into a Section 106 legal agreement whereby the applicant would contribute towards the costs of amending the relevant Traffic Regulation Order to exclude the proposed new flats from the schedule of addresses eligible for resident parking permits in the CPZ.

Taking all these factors into account it is considered on balance that this would mitigate the on street parking impact in the vicinity of the site.

Impact on residential amenity of neighbouring residents

Both adjoining properties are in use as flats. It is considered that the increased activity associated with the use of the property as 2 flats would not be so great as to cause harm to the amenities of neighbouring residents through noise and disturbance. A condition is proposed with regards to ensuring that adequate sound insulation is provided to meet the Building Regulations.

The rear extension proposed would extend no further rearward than an existing extension at no. 88 (the adjoining property) and only 2m rearward of no. 92 at a distance of 1.1m from the side wall of that property. It is considered that the extension would not have an adverse impact on the amenities of the occupiers of those properties.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters 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

The application is recommended for **Approval subject to conditions and a Section 106 legal agreement.**

SITE LOCATION PLAN: 90 Audley Road, London, NW4 3HB

REFERENCE: H/01741/14



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LOCATION: 101 Station Road, London, NW4 4NT

REFERENCE: H/00869/14

Received: 17 February 2014

Accepted: 14 April 2014

WARD(S): West Hendon

Expiry: 09 June 2014

AGENDA ITEM 10

Final Revisions:

APPLICANT: Mr Djanogly

PROPOSAL: Single storey side extension and conversion of existing single family dwelling into 4no. self contained flats, including alterations to side fenestration, hard and soft landscaping, cycle store and refuse facilities.

RECOMMENDATION: Approve Subject to Conditions

- 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: site location plan, 101 STA/S302, 101 STA/S100, 101 STA/S101, 101 STA/S102, 101 STA/S103, 101 STA/S300, 101 STA/S301 dated 14 April 2014 and 101 STA/PL300A, 101 STA/PL301A, 101 STA/PL302A, 101 STA/POL102A, 101 STA/PL 100B and 101 STA/L100A dated 09 June 2014

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).

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

Reason:

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

- 4 Before the development hereby permitted is occupied the internal layout of the units as shown on approved plan numbers 101 STA/PL300A, 101 STA/PL301A, 101 STA/PL302A, 101 STA/POL102A and 101 STA/PL 100B dated 09 June 2014 shall be established. The established internal layout and use of space shall remain thereafter.

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).

- 5 Before the development hereby permitted is occupied the parking spaces as shown on plan number 101 STA/L100A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in

the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 6 Prior to the commencement of development, details of the screening to differentiate between the private amenity space available to the two residential units on the ground floor of the property and the remaining two residential units on the upper floors of the property shall be submitted to the local planning authority. The approved screen shall be established prior to the first occupation of the units and the screening shall remain in place thereafter.

Reason:

To provide a sufficient standard of private amenity space to future residents of the units, in accordance with the Adopted Barnet Development Management Policies DM01 and DM02, the council's Residential Design Guidance SPD and Sustainable Design and Construction SPD.

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

Reason:

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

- 8 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of

£36.04 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £720.80 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £2,700 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be

eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

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

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

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

Further details and the application form can be downloaded from:

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

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

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

1. MATERIAL CONSIDERATIONS

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development

CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM08 Ensuring a variety of sizes of new homes to meet housing need
DM17 Travel impact and parking standards

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)
Residential Design Guidance (2013)
Planning Obligations (2013)

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Site Address: 101 Station Road, London, NW4 4NT
Application Number: H/01777/09
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 14/07/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: Matthew Corcoran

Site Address: 101 Station Road, London, NW4 4NT
Application Number: 01794/09
Application Type: Section 191
Decision: Lawful Development
Decision Date: 06/11/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of rear / side dormer roof extension and loft conversion.**
Case Officer: Matthew Corcoran

Site Address: 101 Station Road, London, NW4 4NT
Application Number: H/03530/09

Application Type: Full Application
Decision: Approve with conditions
Decision Date: 23/11/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: Matthew Corcoran

Site Address: 101 Station Road London NW4 4NT
Application Number: W14473B/06
Application Type: Full Application
Decision: Refuse
Decision Date: 11/12/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.**

Case Officer:

Site Address: 101 Station Road London NW4 4NT
Application Number: W14473A/06
Application Type: Full Application
Decision: Refuse
Decision Date: 17/08/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.**

Case Officer:

Site Address: 101 Station Road London NW4 4NT
Application Number: W14473C/07
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 29/06/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Loft conversion (incorporating roof extensions).**
Case Officer: Matthew Corcoran

Site Address: 101 Station Road London NW4 4NT
Application Number: W14473/06
Application Type: Full Application
Decision: Withdrawn
Decision Date: 14/07/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of property into 4no. self-contained flats including two-storey side extension, loft conversion including rear facing dormer window and off-street parking.**

Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 48

Replies: 8

Neighbours Wishing To Speak: 3

Summary of response:

- The proposal will impact adversely on neighbouring properties access to light, particularly the kitchen window at 99 Station Road
- The proposal will result in the overdevelopment of the property
- The size and bulk of extensions is excessive and will be detrimental to the visual and residential amenities of occupants of neighbouring properties
- The proposal does not meet floor space standards as set out in the London Borough of Barnet's SPD
- The proposal will impact adversely on neighbouring properties through a lack of parking

Internal /Other Consultations:

None

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site features a two storey, semi - detached, five bedroom residential dwelling.

Proposal:

The application proposes a single storey side extension and the conversion of the existing property into four flats (2 X 1 bedroom and 2 X 2 bedroom).

The ground floor of the property would feature a 1 bedroom studio flat and a 2 bedroom 3 person flat.

The first floor would feature a 2 bedroom 3 person flat.

The second floor would feature a 1 bedroom studio flat.

The units would be accessed by a central staircase and would have access to three car parking spaces on the frontage of the site.

Amenity space would be provided at the rear of the site.

Planning Considerations:

The main considerations are:

- The principle of the proposed development
- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of future and neighbouring residents
- Whether there would be a sufficient parking allocation
- Other material planning considerations

The principle of the proposed development

Policy 3.3 of The London Plan recognises the pressing need for more homes in London whilst Policy 3.4 states that development should optimise housing output.

Section 15 of Barnet's Local Plan SPD: Residential Design Guidance states that conversions should follow the following principles:

- ☐ *conversions of houses into flats or HMOs, in roads characterised by houses will not normally be appropriate*
- ☐ *consideration should be given to local character and surroundings and conversions that harm this, (due to cumulative impacts of such conversions) will be refused*
- ☐ *the unit size should normally comply with Barnet's space standards highlighted in Appendix 2*
- ☐ *usable amenity space should normally be provided for the occupiers of all units*
- ☐ *consideration should be given to the necessary provision and associated activities such as car and cycle parking spaces, storage, hardsurfacing and refuse store at the earliest stage of design*
- ☐ *where conversion takes place, any impact on the amenity of future residents and neighbouring properties should be minimised.*

In terms of the principle of the proposed development, it is considered that the area surrounding the application property characteristically features residential properties, some of which have been converted into flats. As such, the principle of a residential conversion is considered acceptable.

The impact on the character and appearance of the property and surrounding area

The 2012 National Planning Policy Framework states that *"the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*.

In addition to the NPPF, Policy CS5 of the Core Strategy 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"*. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that *"development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused"*.

Section 2.8 of Barnet's Local Plan Development Management Policies states: *"where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character... the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of*

property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries".

The area surrounding the application site characteristically features two storey, semi – detached residential dwellings. The proposal would involve the erection of a single storey side extension. The proposed side extension would appropriately feature materials and fenestration to match the existing property and is considered to sufficiently remain subordinate in scale to the original form of the property. The proposal is therefore considered to sufficiently maintain the character and appearance of the property and surrounding area.

The impact on the amenity of future and neighbouring residents

The proposed works would result in the creation of four flats. Policy DM01 of the Development Management Policies 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: *"in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".* In addition to this, section 2.4 of the SPD for sustainable design and construction states that *"the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".*

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to the garden on the rear of the site, which would provide sufficient private amenity space. In the event of approval it is recommended that fencing is established to distinguish between the amenity space available for the two flats on the ground floor and the two flats above, prior to the first occupation of the units.

Turning to the impact on neighbouring properties, it is considered that the alterations and extension, by virtue of their scale, siting and design, would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the application on these grounds. Furthermore, it is considered

that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

Whether there would be a sufficient parking allocation

The site has a PTAL rating of 4 and currently provides access to two car parking spaces on the front of the street. The plans indicate that the frontage would be reconfigured to provide three car parking spaces.

Development Management policy DM17 states that there should be a maximum parking allocation of “1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and, iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)”. The proposed parking allocation is therefore considered to sufficiently comply with council parking standards.

Other material planning considerations

The plans indicate that bin storage would be provided on the site and that access to the rear of the site would remain from the side of the site and this is considered sufficient to comply with council standards.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The concerns raised have been addressed in the considerations 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

The proposed development would sufficiently maintain the character and appearance of the application site and surrounding area, would provide sufficient parking and amenity for future residents and would not impact adversely on the amenity of neighbouring residents to an extent that would warrant the refusal of the application on these grounds.

SITE LOCATION PLAN: 101 Station Road, London, NW4 4NT

REFERENCE: H/00869/14



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LOCATION: Bald Faced Stag, 104 Burnt Oak Broadway, Edgware, Middx, HA8 0BE **AGENDA ITEM 11**
REFERENCE: H/01765/14 **Received:** 31 March 2014
WARD: Burnt Oak **Accepted:** 31 March 2014
Expiry: 26 May 2014

Final Revisions:

APPLICANT: TFC Walthamstow Ltd C/O Peter Pendleton & Associates Ltd
PROPOSAL: Conversion and extension of the existing public house to create 8 flats and retail supermarket at ground floor level.

Approve Subject to S106

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 **Highways (traffic order) £2,000.00**
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 4 **Monitoring of the Agreement £100.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: H/01765/14 under delegated powers subject to the following conditions: -

- 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: BUR-EX-1, BUR-EX-2, BUR-EX-3, BUR-EX-4, BUR-EX-5, BUR-RES-1, BUR-RES-2, BUR-RES-2.1, BUR-RES-2.2, BUR-RES-2.3, BUR-RES-2.4, BUR-RES-2.5, BUR-RES-3, BUR-RES-4, BUR-RES-4.1, BUR-RES-4.2, BUR-RES-4.3, BUR-RES-4.4, BUR-RES-4.5, BUR-RES-6, BUR-RES-7, BUR-RES-8 dated 31 March 2014
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).
- 3 The materials to be used in the external surfaces of the building(s) shall match

those used in the existing building(s).

Reason:

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

- 4 Before the development hereby permitted is occupied the internal layout of the units as shown on approved plan numbers: BUR-RES-3, BUR-RES-4, BUR-RES-4.1, BUR-RES-4.2, BUR-RES-4.3, BUR-RES-4.4 and BUR-RES-4.5 dated 31 March 2014 shall be established. The established internal layout and use of space shall remain thereafter.

Reason:

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

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

Reason:

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

- 6 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

7 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

- 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

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

Reason:

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

- 10 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

Reason:

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

- 12 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 07:00 am or after 19:00 pm 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.

- 13 The use hereby permitted shall not be open to customers before 07:00 or after 22:00 Monday - Saturday or before 10:00 or after 17:00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 14 Before the development hereby permitted is occupied, details of the screening of the roof top amenity areas shall be submitted to and approved in writing by the Local Planning Authority, implemented before occupation of the first residential unit and retained in accordance with the approved details thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and

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

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

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

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

Further details and the application form can be downloaded from:

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

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

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

- 3 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

- 4 The applicant is advised that Burnt Oak Broadway is part of Traffic Sensitive Route from 8.00am - 9.30am and 4.30pm-6.30pm Monday-Friday.
- 5 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's

expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

- 6 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £36.04 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £18,704.76 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £70,065 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

RECOMMENDATION III

That if an agreement has not been completed by 14/08/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/01765/14 under delegated powers for the following reasons:

1. The proposal fails to include an undertaking to provide a contribution towards amendments to the Traffic Management Order and contribute to the associated monitoring costs, contrary to policy CS9 of the Barnet Local Plan Core Strategy and policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

1. MATERIAL CONSIDERATIONS

The application is reported to the Sub-Committee at the request of Councillor Farrier.

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM11, DM13, DM17.

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)

Residential Design Guidance (2013)

Planning Obligations (2013)

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Application:	Planning	Number:	H/01637/13
Validated:	29/04/2013	Type:	APF
Status:	APD	Date:	21/02/2014
Summary:	DIS	Case Officer:	Graham Robinson
Description:	Demolition of the existing building and construction of a 4 storey plus basement building comprising of a retail supermarket at ground floor and basement levels with 20 self-contained flats above.		

Application:	Planning	Number:	H/01765/14
Validated:	31/03/2014	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Aahsanur Rahman
Description:	Conversion and extension of the existing public house to create 8 flats and retail supermarket at ground floor level.		

Application:	Planning	Number:	H/02235/12
Validated:	12/06/2012	Type:	192
Status:	DEC	Date:	19/07/2012
Summary:	LW	Case Officer:	Cathy Munonyedi
Description:	Change of use for A4 (Public House) to A1 (Retail) use.		

Application:	Planning	Number:	H/02298/11
Validated:	01/06/2011	Type:	ADV
Status:	DEC	Date:	19/07/2011
Summary:	APC	Case Officer:	Graham Robinson
Description:	Installation of 3 No. internally illuminated fascia signs including large box signs on gable elevations; 2 No. internally illuminated projecting bus stop fascia signs; 1 No. non illuminated banner sign above fascia; 3 No. non illuminated vinyl applied graphics to fascia; 6 No. non illuminated vinyl applied graphics to shopfront below fascia including ATM surround; 2 No. non illuminated wall mounted signs in car park and 8 No. non illuminated freestanding signs in car park.		

Application:	Planning	Number:	H/05121/13
Validated:	22/11/2013	Type:	APF
Status:	DEC	Date:	17/01/2014
Summary:	REF	Case Officer:	Graham Robinson
Description:	Conversion and extension of the existing public house to create 8 flats and retail supermarket at ground floor level		

Consultations and Views Expressed:

Neighbours Consulted: 128
 Replies: 2
 Neighbours Wishing To Speak: 0

Summary of objections:

The proposal will increase noise levels and traffic movements which will impact adversely on the amenity of neighbours
 The proposal will result in overlooking to neighbouring properties

Date of Site Notice: 17 April 2014

Internal /Other Consultations:

- Highways - recommend approval subject to a S106 agreement requiring contributions to amend the Traffic Management Order for the area
- Environmental Health - recommend approval subject to conditions
- London Borough of Brent - No objections

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is the Bald Faced Stag public house on the east side of Burnt Oak Broadway (A5).

The surrounding area is mixed in character with a mixture of commercial premises, some with flats above. To the north of the site is the Watling Estate Conservation Area and Burnt Oak town centre. The building to the north at 102 Burnt Oak Broadway is located within the conservation area.

To the south of the site is a Tesco supermarket. This is two storeys in height with a

flat roof. To the south is Stockwell Close which provides access to the car park for the supermarket and runs behind the site.

Proposal:

The application proposes the conversion of the existing public house to create 8 flats and retail supermarket at ground floor level.

There would be approximately 1160m² of retail area in the ground floor and basement, of which 644m² would be basement storage.

The proposed development would involve the alteration to the fenestration on the front of the property, including the insertion of 6 recessed dormer windows and the insertion of a steel gate on the front / side elevation of the property.

On the side elevation of the property, the proposal would involve the insertion of a staircase.

On the rear elevation of the property, the proposal would involve the insertion of a single storey rear extension with a recessed balcony, basement extension, 5 dormer windows and alterations to the fenestration of the property. The single storey rear extension would measure approximately 7.5 metres deep, 3.2 metres high and would span the entire width of the property.

The top floor of the property would be created by infilling the area between the existing pitched roofs and would provide living accommodation and an internal roof terrace.

Internally, the works would involve the conversion of the upper floors of the property into 5 X 2 bedroom flats and 3 X 1 bedroom flats.

Planning Considerations:

The main considerations are:

- The principle of the proposed development
- The impact on the character and appearance of the application site and surrounding area
- The impact on the amenity of future and neighbouring residents
- The impact on highway safety and whether the proposal would provide a sufficient parking allocation
- Other material planning considerations

The principle of the proposed development

The application site features a former public house which had ancillary residential accommodation above. The proposal would involve a similar layout with an A1 (retail) use at ground floor level and residential flats above. There are examples of residential flats in the surrounding area and the principle of residential flats in the top floors of the building are therefore considered acceptable.

The impact on the character and appearance of the application site and surrounding area

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

In addition to the NPPF, Policy CS5 of the Core Strategy 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”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

The area surrounding the application site characteristically features commercial premises at ground floor, with residential use above.

The proposed alterations would involve alterations to the fenestration on the front of the property. The proposed single storey extension and dormer windows would be located on the rear of the property where, whilst it would be visible from the rear car park, it would not form a prominent addition to the frontage of the street scene. The proposed extensions and alterations would appropriately be constructed of materials and fenestration to match the existing property and would appropriately remain subordinate in scale to the original form of the property. Based on these considerations, the proposed development is considered to sufficiently maintain the character and appearance of the property and surrounding area.

The impact on the amenity of future and neighbouring residents

The proposed works would result in the creation of eight flats. Policy DM01 of the Development Management Policies 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: *“in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy”*. In addition to this, section 2.4 of the SPD for sustainable design and construction states that *“the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people’s quality of life and*

reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to sufficient amenity space in the proposed balconies and roof terrace that would be located on the top floor of the property.

In terms of noise, air pollution and contaminated land, the council's environmental health department have stated that in the event of approval conditions should be attached to require a noise report for the site plant, air quality mitigation measures and a contaminated land report shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Turning to the impact on neighbouring properties, it is considered that the alterations and extensions, by virtue of their scale, siting and design, would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the application on these grounds. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

The impact on highway safety and whether the proposal would provide a sufficient parking allocation

The site does not currently provide access to car parking and the applicant has submitted a travel plan in relation to providing a car free scheme. The application site has good access to public transport, with a PTAL rating of 5 but does not have access to car parking.

The proposal would provide approximately 516m² of retail space at ground floor level, 644m² of basement storage and 3 X 1 bedroom and 5 X 2 bedroom flats. In accordance with council parking standards this would require a maximum of approximately 1/1.5 car parking spaces per 2 bedroom unit and 0/1 car parking space per 1 bedroom unit. Accordingly, the car parking standards would range between the provision of 5 to 10.5 car parking spaces for the residential units.

The council's highways officers have stated that whilst the site is located in a controlled parking zone and would not provide car parking, it is located in a town centre location and has good accessibility to public transport. As such, they have not raised objections to the proposal subject to the completion of a S106 agreement to provide contributions towards an amendment to the traffic management order to restrict future residents from obtaining residents permits.

In terms of bicycle parking, 16 bicycle storage spaces would be provided in front entranceways to the units and this would comply with council parking standards.

Other material planning considerations

A recent application for demolition of the existing building and erection of a 4 storey building plus basement to provide a shop and 20 flats was refused and dismissed at appeal. The Inspector had no issue with the principle of the development but the appeal was dismissed due to the scale and design of that proposal.

A subsequent application for extension and conversion was refused earlier this year due to concerns about the rear extension. The reasons for refusal of that application are considered to have been addressed in the current application.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The concerns raised have been addressed in the considerations 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

The application is recommended for approval with conditions subject to the completion of a S106 agreement for the amendments to the Traffic Management Order for the area.

SITE LOCATION PLAN:
Edgware, Middx, HA8 0BE

Bald Faced Stag, 104 Burnt Oak Broadway,

REFERENCE:

H/01765/14



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