

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

**Reference:**                      **18/5941/FUL**                      Received: 4th October 2018  
Accepted: 4th October 2018

Ward:                              Woodhouse                              Expiry 3rd January 2019

Applicant:                      Finchley Reform Synagogue

Proposal:                      Demolition and redevelopment of Finchley Reform Synagogue to provide new two-storey Synagogue including Kindergarten and associated community facilities. Provision of refuse/recycling storage, 11no. off-street parking spaces, cycle parking and landscaping

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

#### 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.      Submission of Travel Plan
4.      Monitoring of Travel Plan £10,000
5.      Submission of Activities Management Plan
6.      Monitoring of legal agreement £500

## RECOMMENDATION II:

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

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

A00 P1 (Existing Context Plan)  
A05 P1 (Location Plan)  
A10 P1 (Ground Floor Plan)  
A11 P1 (First Floor Plan)  
A15 P1 (Existing Elevations 1)  
A16 P1 (Existing Elevations 2)

A000 P1 (Proposed Context Plan)  
A100 P1 (Ground Floor Plan)  
A101 P1 (Mezzanine Floor Plan)  
A102 P1 (First Floor Plan)  
A103 P1 (Roof Plan)  
A150 P1 (North Elevation: Fallow Court Avenue)  
A151 P1 (East Elevation: Rear Elevations)  
A152 P1 (South Elevation: Granville Road)  
A153 P1 (Boundary Elevations 01 & 02)  
A154 P1 (Boundary Elevation 03)  
A155 P1 (Section AA & BB)  
A156 P1 (Section CC & DD)

Acoustic Report and Noise Impact Assessment - Gillieron Scott 24th September 2018

Activities Management Plan

Arboricultural Impact Assessment - Landmark Trees 12th September 2018

Bat Survey Report - Greengage October 2018

Breeam Survey - Verte Sustainability September 2018

Daylight/Sunlight Report - BVM September 2018

Daylight/Sunlight Report Addendum - BVM 20th December 2018

Design and Access Statement - Metropolis Planning and Design 01.10.2018

Ecology Report - Greengage August 2018

Energy and Sustainability Statement - Environmental Engineering Partnership September 2018

Planning Statement - De Metz Forbes Knight 01.10.2018

Pre-Construction Health and Safety Information Pack - Robert Martell and Partners September 2018

Statement of Community Involvement - Local Dialogue September 2018

Transport Statement - Iceni September 2018

Travel Plan - Iceni September 2018

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors' compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5
- a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 6
- Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. A100 P1 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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 7
- a) Before the development hereby permitted is first occupied or the use first commences, cycle parking spaces as shown on Drawing No. A100 P1 shall be provided and marked out within the site.
- b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 8 Prior to the occupation, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. the allocation of car parking spaces;
- ii. on-site parking controls and charges;
- iii. the enforcement of unauthorised parking; and
- iv. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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

- 10 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interests of good air quality with regard to London Plan (2011) policies 5.3 and 7.14

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the

Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 12 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall 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 content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

- 13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

- 14 No more than a maximum of 300 persons shall be present on site in connection with the Synagogue use at any one time.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 15 Prior to the first occupation of the relevant part of the development, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Plan Policy 7.3, London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012).

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

Reason: To safeguard the residential amenities of neighbouring occupiers.

- 16 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) 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.

c) 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 in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 17 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 18 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 19 a) Before the development hereby permitted is first occupied, details of solid screens and methods to be installed to prevent the overlooking of neighbouring properties from the proposed rooftop amenity area shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before the use of the amenity area is commenced and retained as such 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 Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 20 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 21 The development shall proceed in accordance with the findings of the Ecological Survey submitted in support of the application (Greengage, August 2018) and the details of ecological enhancements contained within shall be incorporated into the finished scheme.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).



- 22 a) No site works or works in connection with the development hereby approved shall be commenced until details are provided as to how the findings of the Bat Survey, dated October 2018, by Greengage, including the supervisory removal of any roosting positions as detailed within the report, the provision of temporary bat shelter within the site and the incorporation of bat roosting provision within the building will be provided.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 23 a) The non-residential development is required to meet the BREEAM 'Very Good' level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies 5.2 and 5.3 of the London Plan (2016).

- 24 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

- 25 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 26 The premises shall be used for D1 (Place of Worship) and any other associated community uses, education and training in association with the main D1 use and for no other purpose (including any other purpose in D1 of the Schedule) to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

#### RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31.04.2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

#### Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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 CIL 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](mailto: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](http://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 at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: 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](http://legislation.gov.uk)

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 5 All surface water strategies should strive to utilise sustainable drainage techniques (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water

run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

## **Officer's Assessment**

### **1. Site Description**

The application site is located at the junction of Fallow Court Avenue, Montrose Crescent and Granville Road, in West Finchley. The site, in use by the Finchley Reform Synagogue, contains a mix of buildings which comprise of the main hall, foyer, kindergarten and ancillary spaces. The main hall is a part-single, part-two storey building, with the other buildings on site being single-storey.

The main entrance is currently via Fallow Court Avenue which provides a pedestrian and vehicular access and parking area, with a secondary vehicular access off Granville Road. The surrounding context is characterised by residential housing, mainly Victorian properties, with two more recent three-storey brick built blocks of flats to the east and west of the site.

### **2. Relevant Site History**

Reference: F/05435/13

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

Decision: Approved following legal agreement

Decision Date: 07.02.2014

Description: Variation of condition 2 (The number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 42) condition 3 (No child should be on the premises for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.30am and 3.00pm) pursuant to planning permission C00043W/00 for 'Variation of condition 2 of planning permission C00043V to enable 42 children to be at the kindergarten at any one time.' dated 29/08/00. Conditions to be varied to: 2 (The number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 60) 3 (No child should be on the premises for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.15am and 3.00pm)

Reference: F/05434/13

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

Decision: Approved following legal agreement

Decision Date: 07.02.2014

Description: Variation of: condition 1 (This permission shall be for a limited period only, expiring on 1 September 2005, when the use and buildings hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed and the land reinstated to its former state) condition 2 (No child should be on the premises as extended for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.30am 3.00pm) condition 3 (The number of children on the premises as extended at any one time for the purposes of the kindergarten use shall not exceed 42) pursuant to planning permission C00043X/01 for 'Single storey extension between existing hall and 99 Fallow Court Avenue ancillary to existing use as a kindergarten.' dated 07/08/2002. Conditions to be varied to: condition 1 (This permission shall be for a limited period only, expiring on 31 December 2018, when the use and buildings hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed and the land reinstated to its former state) condition 2. No child should be on the premises as extended for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.15am and 3.00pm. condition 3. The number of children on the premises as extended at any one time for the purposes of the kindergarten use shall not exceed 60

Reference: F/02183/12

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

Decision: Withdrawn

Decision Date: 15.01.2013

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

### **3. Proposal**

Planning Permission is sought to demolish the existing buildings on site and redevelop to provide a two-storey synagogue including kindergarten and associated community facilities. Provision would also be made for refuse/recycling storage, 11 no. off-street parking spaces, cycle parking and landscaping.

The proposed building will be a modern, two storey construction, located more centrally on the site. The structure would be finished in a mix of contrasting materials, including a rendered ground floor with timber clad upper floor, to a total height of 9.8m. The building will include a main hall, kindergarten, multi-use social spaces, offices and ancillary facilities and outdoor amenity space (as detailed in the submitted drawings), amounting to approximately 1200 sq. m of useable floorspace. 11 parking spaces would be provided on site along with 26 cycle parking spaces. A roof terrace with enclosed play area will provide additional amenity space for the kindergarten, and use by attendees at the site, and where possible existing boundary screening will be retained with additional planting proposed.

### **4. Public Consultation**

Consultation letters were sent to 637 neighbouring properties.

284 replies were received, consisting of 80 letters of objection and 205 letters of support.

A petition containing 201 signatures from residents objecting to the proposal was also received.

The application was subject to a period of re-consultation as a result of additional documents being submitted. 9 responses have been received, consisting of 8 letters of objection and 1 letter of support.

The comments received can be summarised as follows:

#### *Objection*

- The proposal is too large, out of character and will detract from the Victorian setting;
- Over ambitious on a small site;
- The proposed design is the equivalent of a 3 storey building;
- The design is poor - proposal is monolithic and box like;
- Scale inappropriate in a residential area;
- Proposal will result in a loss of privacy to neighbouring residents;
- Proposal will lead to overshadowing and loss of light;
- Children and adults using the roof terrace garden every day will cause noise and disturbance to residents;
- Findings of Daylight/Sunlight Survey inaccurate;
- Impact on neighbouring amenity;

- Result in intrusive noise, congestion, parking problems and pollution;
- Proposal will lead to loss of outlook;
- The proposal will result in a sense of enclosure;
- Impact on sunlight on the western elevations of No.99 Fallow Court Avenue;
- Overlooking by the top storey of the synagogue;
- Concern about local parking stress, which will be exacerbated by this development- This development will result in increased and excessive noise and disturbance;
- Increased parking / congestion;
- Additional parking could not be accommodated on local roads;
- Concern about impacts on highway safety;
- Findings of transport statement inaccurate;
- The roads are too narrow for additional traffic;
- Concern about disturbance during the construction/demolition phase;
- Increased usage will result in increased disruption locally;
- Loss of landscaping to the detriment of the area;
- Synagogue has outgrown the site and should find alternative premises - plans are over ambitious for this site;
- Increase in capacity;
- Increased attendees;
- Increase in floorspace;
- Concern about a campaign to glean support from persons not residing locally;
- Concern about pollution and increased health risk from traffic;
- Potential increase in membership causing further disruption;
- Overlooking;
- Letters of support come from outside the area.

### *Support*

- Buildings are dilapidated and need replacing;
- Proposal will allow continuation of important community resource;
- Provides much more efficient use of the space;
- Improved space to help meet the needs of the community, including the disadvantaged and poor;
- The design is sympathetic to the area and will improve the public realm;
- The new building will be more energy efficient and sustainable;
- The new parking arrangement will improve local parking and highway safety issues;
- Proposal will ensure long term viability;
- The proposal will encourage more use by the homeless and disadvantaged;
- The proposal is important for local social cohesion;
- Better and safer childcare facilities can be provided;
- Much needed redevelopment which is rational.

## **5.1 Policy Context**

### National Planning Policy Framework and National Planning Practice Guidance

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 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

### The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS12, CS13, CS14, CS15.  
Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM13, DM17.

### Supplementary Planning Documents

Planning Obligation SPD (2013)

Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of redevelopment;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways issues;
- Trees and Landscaping considerations; and
- Any other material considerations.

## Principle of redevelopment

The site is currently occupied by a synagogue and there is a long-standing history of such a facility being present at the property. There is therefore no conflict with Policy DM13 of the Local Plan which aims to avoid the loss of existing community facilities and there can be no dispute the site plays a significant community role locally. The existing buildings are also in a relatively dilapidated state and redevelopment with an appropriate replacement, which could consolidate the built form and bring aesthetic benefits is acceptable in principle. The proposed kindergarten has also been present at the site for a number of years and in 2013 permission was granted to extend the number of children in attendance to 60 (see planning history). Given the lawful use of the site a community led facility containing a kindergarten and associated facilities can be accepted.

## Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The proposed building has drawn both support and opposition as detailed through third party representations. The building will differ significantly from the existing structures, but given their generally tired and dated state, the general principle of redevelopment is acceptable.

The proposal is more modern in appearance, and given its proposed community use, is functionally modular- like in form and detailing. The structure will consolidate built form into the centre of the site. Given the site's location at the junction of three roads, any redevelopment will take place on a prominently located site. Furthermore, the predominant character is of Victorian/Edwardian residential properties. There are also three storey flatted developments within the immediate vicinity and abutting the site.

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. Notwithstanding the predominant character, a starting point must be the existing use, the built forms poor state of repair, and policy allowance which informs that new development does not require replication of existing built form, though care should be taken when incorporating a contemporary design into the existing urban fabric.

The existing built form straddles the boundaries and the benefit of the proposed scheme is to centrally locate the development within a modern purpose-built facility. Notwithstanding the increased height a spacious layout can be maintained and the proposal respects the building line of adjoining development.

The proposed building has been designed to align with the predominate eaves height and ridge lines. It is accepted that this will include additional bulk on the upper sections of the building, compared to the pitched roofs of the houses, but given the retention of gaps to the boundaries, the existence of the three-storey flatted development adjacent (Glowhill Court), flats opposite across Montrose Crescent and the stand-alone nature of this site, it is not considered that this alternative and more modern approach would have a jarring impact or detract from the character of the area. The opportunity exists to maintain the current relationship, a community building within a residential area, but with a much more visually pleasing replacement building.

The proposed building, in terms of finished palette, references the built form in the surrounding streets and the use of contrasting materials over the floors raises no issues. As discussed, the opportunity arises to improve the visible appearance of the site and the wider streetscene. It is considered the building has sufficient visual interest to break up the mass

and given the proposed community nature of the uses and the consolidation of built form, it is considered the overall design as a "one off" within the locality is acceptable. The retention, where suitable, of existing landscaping and additional planting, agreeable as part of a landscaping scheme, will further soften any impact. Whilst the aesthetic appearance of a building will be subjective, officers have concluded that the proposed building at this location is acceptable.

#### Whether harm would be caused to the living conditions of neighbouring residents

Quite a number of objections have been received which state that the proposed development will impact on the amenity of adjoining residents in terms of loss of daylight/sunlight, overlooking, loss of privacy, outlook, sense of enclosure and overbearing impact. Concern is raised with regards to the potential for excessive noise and disturbance, particularly with reference to the roof terrace.

##### *Overbearing Impact*

The proposal will result in the volume of built form being more centrally located within the site. It is considered that this arrangement, which ensures the building retains a good separation distance to neighbouring properties, would avoid the potential for any enclosing, overbearing or unneighbourly impact.

Whilst the corner of the building would extend beyond the rear corner of Glowhill Court, it retains a gap to the boundary, and the projection of approximately 4.0m would not appear particularly overbearing. Furthermore, the removal of existing built form on this boundary would facilitate the works. The built form retains a gap of approximately 11.0m to the nearest dwelling on Fallow Court Avenue, No. 99, and located across the parking area would not result in an unneighbourly form of development. Again, existing development on the boundary would be removed. Good separation is also retained to properties on the opposite side of Fallow Court Avenue, Montrose Crescent and Granville Road, which are set behind landscaped frontages, and notwithstanding the increase in bulk and scale, it is considered that the proposal would not appear excessively overbearing or visually intrusive from these properties.

##### *Overlooking*

It is not considered that first floor windows located facing across the public roads around the site or on the entrance to the site corner of the building would result in material overlooking of neighbouring properties. There would be a separation distance of approximately 13m to the side elevation of No.99 and 20.5m across the road. An amenity area is proposed at first floor level to serve the kindergarten but it is considered that in terms of overlooking, solid screening, details of which could be agreed through a condition, could address any concern. The issue of noise and disturbance from the first-floor area will be discussed later in the report as a separate matter.

##### *Daylight/Sunlight*

A daylight /sunlight report has been provided as part of the submission using Building Research Establishment (BRE) calculations and guidelines. The report cautions that the BRE guidelines provide non-mandatory advice and are not an instrument of planning policy. 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. Nevertheless, the report concludes no significant impacts on adjoining neighbours.

An addendum to the original Daylight / Sunlight report was submitted to provide updated analysis following Officers clarification on the neighbouring rooms.

The report takes into account the potential impact on the immediate properties surrounding the site. These include nos. 99 and 114 Fallow Court Avenue, no. 36 Granville Road, Nos. 19-24 Montrose Crescent and Glowhill Court.

## Daylight

As detailed in the guidance, if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffused daylighting of the existing building may be adversely affected. This will be the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value.

In the case of the properties on the opposite side of Fallow Court Avenue, the angle of obstruction taken from the closest window at ground floor are well below 25 degrees and the report advises that there would be no adverse impact.

The daylight assessment for No.99 states that all but 1 window would comply with the BRE guidelines. This window is the ground floor kitchen window. However, the window does not meet the advised level under current conditions and is only marginally reduced by the proposed development. Therefore, the proposal is not considered to adversely harm the daylight levels of No.99.

In terms of Glowhill Court, the assessment finds that 1 ground floor window, on the ground floor will reduce marginally below the recommended level, however, the perceivable impact is considered to be marginal. This room is a kitchen window and the marginal impact is not considered to be detrimental to their amenity.

## Sunlight

In terms of sunlight, the guidance states;

- i) Sunlight is only relevant to neighbouring residential windows which have a view of the proposed development and face within 90 degrees of south, i.e. south of the east west axis.
- (ii) If any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the main living room window, a vertical section perpendicular to the window, then the sun lighting in the existing dwelling may be adversely affected.
- (iii) Similarly, the sunlight availability to an existing dwelling may be adversely affected if the APSH, when measured at the centre of the window is reduced by more than 4%.
- (iv) Should the loss be greater than 4%, then sunlight availability may be adversely affected if the centre of the window receives less than 25% of the annual probable sunlight hours, of which 5% of the annual total should be received between 21 September and 21 March (winter) and less than 0.8 times its former sunlight hours during either period.
- (v) Kitchens and bedrooms are less important, although care should be taken not to block too much sun.

Due to the separation distances between the site and opposite properties and the angle of obstruction being below 25 degrees, the assessment finds that these properties would continue to receive acceptable levels of sunlight.

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

A letter has been received from Right of Light Consulting on behalf of a number of residents of Fallow Court Avenue and Granville Road. The letter raises a number of concerns raised by neighbours regarding the submitted Daylight/Sunlight report. The issues raised relate to the study not considering all the habitable rooms facing out directly onto the proposal, the 3D drawings produced inaccurately show the distances between the neighbouring sites and the habitable side windows of No.99 Fallow Court Avenue are within 90 degrees of due south and should be considered for the loss of sunlight hours. However, the report provides no evidence or evaluation to justify the comments raised. The concerns raised are a summary of those issues raised by the neighbouring residents. In addition, it is considered that the comments raised have already been addressed within the assessment paragraphs above.

### *External terrace*

The development includes, at first floor level, an outdoor terrace area, relocating the existing outdoor space which would now provide permanent parking spaces. Local concern has been expressed that this area will infringe on the amenity of existing residents bordering the site.

The applicant has submitted an Acoustic Report and Noise Impact Assessment and in turn the council's Environmental Health officer has been consulted. Whilst the play area/amenity space would now be located at first floor level, there is the benefit of its more central location within the site.

The Acoustic Report concludes that when considering the worst-case scenario, the areas used by the children, suggest a reduction in noise exposure, to surrounding properties. The use of acoustic screening and conditions which can control noise from plant would help to successfully mitigate any impact.

Furthermore, an Activities Management Plan has been submitted as part of the application. This sets out proposed events that would take place at the site and the associated number of people attending each event. The plan provides a breakdown of activities throughout the year and it is important to note no current controls on numbers attending exist. Notwithstanding this, there is a desire to ensure that existing amenity levels are maintained.

The kindergarten will still be governed by numbers attending and opening hours and the use has continued for some time now with maximum numbers of 60 children in attendance without major cause for concern or disturbance. The contents, number and event limitations and stipulations can be agreed by Section 106 Agreement. Any agreement must meet the tests that; it is necessary to make the development acceptable in planning terms, is fair and

reasonably related in scale and kind to the development and directly related to the development. In the view of officers, the agreement of the contents of the Activities Management Plan, relating to the new purpose-built development, through Section 106, meets the tests and it is advised that any permission is subject to such an agreement having been executed.

#### Whether harm would be caused to the free flow of traffic and parking

Much objection has been received in relation to existing issues around parking and highway safety and that the proposed development will exacerbate the current position.

The Council's Traffic and Development service has provided detailed comment and raises no objection to the proposal. There are no alterations to the public highway.

11 spaces will be retained on the site and there is no perceivable increase in numbers/attendees and current levels of attendance will be maintained through the Activities Management Plan. Furthermore, the parking spaces can now be dedicated for full time usage.

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

The advice suggests a parking management strategy. This document should look at the operation of the development in the future and seek to manage the day to day impact of parking by putting procedures in place to either reduce car usage or practice safe and considerate parking. The parking management strategy should also consider the impact of parking on the days of large events and seek to mitigate these impacts from parking.

On the issue of parking for the kindergarten, it is stated;

"The existing site has eleven parking spaces (two of which are disabled parking spaces) these spaces will not be available during kindergarten operating times, this is the same with the current use. Vehicles associated with nursery drop off will continue to be present on the surrounding highway network. The applicants have undertaken a parking survey to illustrate the level of operation and the current impact on existing residents parking amenity. At peak times of development operation there is sufficient kerb side space available to protect exiting residents parking amenity. It should be noted that peak times of development operation do not correlate with peak times of residential parking demand".

The future arrangement for cycle parking and waste disposal are considered acceptable. The advice also states that impact from service vehicles attending the site is likely to be minimal.

The highway advice summarises that the proposed development can be accepted from a highway/parking perspective. The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported;

- The proposed development will not generate a significant increase in trip generation.

- Cycles can be stored in the designated ground floor storage spaces.
- Refuse stores have been provided within close proximity to the highway.
- Any future impact of on street parking by the development is mitigated by a parking management strategy.
- Any future impact of service vehicles has been mitigated by a service management plan/strategy.
- A travel plan will seek to reduce the future impact of private vehicle usage associated with the development.

#### Trees and Landscaping considerations

The proposed development includes the retention of trees and landscaping at the boundaries, where appropriate, and owing to the central location of the new building, there will be increased space for additional planting along the site frontages and at first floor level. This will help soften any impact of the development. The majority of trees can be retained, some low-quality specimens would be removed, none are subject to TPO's, and generally a more verdant use of the ancillary space around the building could be achieved.

#### Ecological considerations

The applicant has submitted a Bat Survey (Greengage) which confirms the presence of bats on site and within the existing building. The structures will be demolished and as such this will result in the destruction of existing roosts. As bats are protected under EU law a licence from Natural England will be required and any removal should be overseen by a qualified ecologist. Mitigation in the form of bat roosting facilities within the new building and as a temporary measure bat boxes hung from trees within the site. Such measures identified within the Greengage report can be secured by way of condition. The remainder of the site has low ecological value and the proposed development, including additional planting, offers the opportunity for ecological enhancement.

#### Accessibility and Sustainability

For major developments, Barnet supports the use of BREEAM which is used to measure the environmental performance of non-residential buildings. It is expected that the proposal should achieve a minimum 'Very Good' rating. The applicant's submission confirms that a "very good" rating can be achieved (63.2%).

### **5.3 Response to Public Consultation**

It is considered the majority of issues raised have been addressed in the main report. The concerns being, impact on the amenity of existing residents, noise and disturbance and parking/highway related matters. The findings of the relevant reports, supported by the council's own technical advice, suggest that the scheme can be accepted relative to these matters.

It is evident that some local residents have concerns which have been relied to the council. It is stated that support for the proposal has been garnered for the scheme beyond the immediate area, however there is no restriction in terms of where third-party representations can be issued from, and showing support for what is a popular local resource is to be expected.

An increase in landscaping of the site is proposed and on the subjective matter of design, officers have concluded that the proposed building is appropriate having regard to the character and site-specific circumstances relating to this proposal.

The Activities Management Plan can control the level of activity on the site, a position currently absent, and it is not considered that noise and disturbance would be to an excessive level.

## **6. Equality and Diversity Issues**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation

The proposed development would provide considerably improved new facilities for an existing community use.

In terms of likely negative impacts, the application has attempted to address these through the design proposal and submission of technical documents. It is suggested that the majority of these impacts can be mitigated through conditions and S106 agreement and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

With the S106 and conditions recommended, the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.



It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. 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.

## **7. Conclusion**

In light of the above appraisal it is considered that the proposed development, is acceptable in policy terms and has positive attributes including providing a potentially high-class facility at a site which provides social interaction for a large number of the borough's residents. The concerns that have been raised in third party representation are noted, relate to valid material considerations, but it is considered that the use of Section 106 to secure the contents of the Activities Management Plan and the use of appropriate conditions should ensure a development which will can exist in relative harmony within this residential area. It is therefore recommended that consent is granted subject to a S106 Agreement securing the Activities Management Plan and conditions.

