

Location **Clara Nehab House 13 - 19 Leaside Crescent London NW11 0DA**

Reference: **22/0889/FUL** Received: 21st February 2022
Accepted: 23rd February 2022

Ward: Golders Green Expiry 20th April 2022

Case Officer: **Daniel Wieder**

Applicant: Mr Robert Miller

Proposal: Demolition of existing building and construction of a three-storey building to accommodate a Beis Hamedrash and 1no. 4-bed family dwelling (Use Class C3) together with the construction of a new three-storey building with access from Saffron Close to accommodate 5no. self-contained flats (Use Class C3) with associated amenity space, landscaping, refuse storage, car and cycle parking [Amended Plans].

OFFICER'S RECOMMENDATION

Approve following legal agreement

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- 299_EE_01 Existing Elevation West
- 299_EE_02 Existing Elevation South
- 299_EE_03 Existing Elevation East
- 299_EE_04 Existing Elevation North
- 299_EX_00 Existing Ground Floor Plan
- 299_EX_01 Existing First Floor Plan

299_EX_02 Existing Second Floor plan
299_EX_03 Existing Roof Plan
299_EX_S Existing Location Plan

299_GA_00_TREE SURVEY Proposed Ground Floor Tree Survey Rev A
299_GA_00 Proposed Ground Floor Plan Rev A
299_GA_01 Proposed First Floor Plan Rev B
299_GA_02 Proposed Second Floor Plan Rev B
299_GA_LEVELS Proposed Site Levels
299_RABBI_00 Proposed Rabbi's House Floors
299_RESI_00_M4(3) Proposed Residential Ground Floor Compliant to M4(3)
299_RESI_00 Proposed Residential Ground Floor
299_RESI_01 Proposed Residential First Floor Rev A
299_RESI_02 Proposed Residential Second Floor Rev A
299_GE_01 Proposed Elevations East and West Rev A
299_GE_02 Proposed Elevations North and South Rev B
299_GE_03 Proposed Elevations North and South Rev C
299_GE_04 Proposed Elevations East and West Rev C
299_GE_05 Proposed Elevations South in Context Rev B
299_GS_01 Proposed Section A-A Rev B
299_GS_02 Proposed Section B-B C-C D-D Rev A
299_GS_03 Proposed Section A-A B-B Rev B
299_GS_04 Proposed Section C-C D-D Rev C
299_S_00 Proposed Location Plan
299_S_EX Existing Location Plan
299_GA_01_AMENITY Proposed Plan First Floor Rev A
299_GA_02_AMENITY Proposed Plan Second Floor Rev A

Design and Access Statement September 2021
Planning Statement, Rev 02, dated 01/02/2022 DWD Job Number: 14738

Oriel Windows To South Elevation of Residential Block Addendum to Design and Access Statement
Daylight, Sunlight and Overshadowing Assessment ref: 784- B030641 Dated 8th February 2022
Daylight, Sunlight and Overshadowing Assessment Technical Note Addendum Dated 11th November 2022, ref: 784-B030641
Storm Water Drainage Strategy Rev G 20-095-221011-01RP, 11TH October 2022

Drainage Layout Rev B, reference: 20-095-P-300B
Typical Drainage Details, reference: 20-095-P-301
Drainage Network Sections, reference: 20-095-P-302
Activities Management Plan January 2022 Rev 1
Preliminary Roost Appraisal (Arbtech Consulting, February 2022)
Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022)
Air Quality Assessment 784-B030641 Tetra Tech 1st November 2021
Transport Statement, February 2022 TPP Consulting Ltd.
Travel Plan, February 2022 TPP Consulting Ltd.
Basement Impact Assessment and Ground Investigation Report, Ground and Water Limited, GWPR3799/BIA V1.01/November 2021
Environmental Noise Survey and Acoustic Design Statement Report 28044/ADS1 Rev4, 10 February 2022, Hann Tucker Associates
Construction Management Plan, Montway Ltd CMP 01 Rev C2

Foul Sewage & Utilities Assessment, AJ Energy Consultants Ltd, November 2021

Fire Statement Form, SWECO

Energy Strategy AJ Energy Consultants Ltd, November 2021

Sustainability Statement AJ Energy Consultants Ltd, November 2021

Statement of Community Involvement, QUATRO

Arboricultural Implications Assessment, Broad Oak Tree Consultants Limited, ref:

J58.66, 16th November 2021

Landscape Proposals

Landscape Masterplan 010 Rev G

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).

- 4 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.

- 5 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 6 a) Notwithstanding the details shown on the approved plans, 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 Policy D4 of the London Plan 2021.

7 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

xi. Provision of a competent banksman.

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

Reason: In the interests of highway safety, noise 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

8 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 2021.

9 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 treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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, DM16, 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).

10 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use 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) and the Sustainable Design and Construction SPD (adopted April 2016).

11 The non-residential part of the development hereby permitted should only be

occupied in accordance with the submitted Faith Travel Plan (MTT Foundation February 2022 by TTP Consulting Ltd) and remain as such in perpetuity unless otherwise agreed in writing by LPA. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD. The key headlines of the travel plan are to be secured via a s106 agreement.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

- 12 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/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 13 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 D14 of the London Plan 2021.

- 14 Prior to the first occupation or use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would meet Secure by Design Accreditation. The development shall be carried out and retained in accordance with the agreed details in perpetuity.

Reason: To ensure that the development meets Secure By Design principles as required by the Metropolitan Police, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

- 15 Prior to occupation of the development hereby approved, details of access control to the proposed BHM and Rabbi's House shall be submitted and approved by the Local Planning Authority. Further information can be found at the link below:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/478003/NaCTSO_Guidance_Note_1_-_2015_-_Dynamic_Lockdown_v1_0.pdf

Reason: To ensure that the proposals do not compromise local security in accordance with policy CS12 of the Barnet Core Strategy.

- 16 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 pm on other days.

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

- 17 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. [https://developers.thameswater.co.uk/Developing-a-largesite/ Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes). Should you require further information please contact Thames Water.
Email: developer.services@thameswater.co.uk

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 18 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 2010 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 Polices document (2012), Policies SI2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 19 The development shall be implemented in accordance with the recommendations set out in the submitted Energy Strategy 2.0 dated 16/11/21 and Sustainability Statement 2.0 dated 26/11/21 by AJ Energy Consultants Ltd (as revised).

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 Polices document (2012), Policy SI 2 of the London Plan 2021 and the 2016 Mayors Housing SPG.

- 20 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 21 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies D7 and H2 of the March 2021 London Plan and the 2016 Mayors Housing SPG.

- 22 There shall be no more than 80 persons on the non-residential premises at any one time, except for the following days where no more than 100 persons shall be on the non-residential premises at any one time: 8 days of Passover, 2 Days of Shavuot, 2 Days of Rosh Hashana, 1 day of Yom Kippur, 9 days of Sukkot, 2 days of Purim

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 in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

- 23 The Beis Hamedrash premises and its ancillary facilities (ground floor and above) shall not be used for the purposes of banqueting, wedding receptions or parties.

Reason: To safeguard highway safety and the residential amenities of neighbouring occupiers in accordance with Policies DM01 and DM17 of Barnet's Development Management Policies DPD 2012.

- 24 No amplified music or sound shall be permitted on the BHM and its ancillary facilities (ground floor and above) on any day, except for the 9 days of Sukkot and 2 days of Purim, where the amplified music shall not be permitted after 11:00 pm.

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 (updated October 2016) and Policy D14 of the London Plan 2021.

- 25 The area marked "BHM" on approved drawing 299_GA_00 revA shall be used for a Beis Hamedrash and its ancillary activities and for no other purpose. Other areas shall be used as self-contained dwellings and for no other purpose (including other uses within Use Class C3 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.

- 26 The non-residential use hereby permitted shall not be carried on before 7am or after 10pm on weekdays, before 9am or after 11pm on Saturday, and not after 9pm on Sundays and Bank and Public Holidays, with the exception of 2 Days of Shavuot.

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

- 27 Notwithstanding the parking layout submitted with the planning application, prior to commencement of the development; a detailed parking layout plan showing the exact dimensions of the proposed off-street parking spaces, existing proposed and any redundant crossovers to be reinstated to footway shall be submitted to and approved in writing by the Local Planning Authority. The applicant will be required to enter into a s184/278 agreement with the council to undertake any works on the public highway.

Thereafter, the 2 off-street parking spaces including 1 disabled bays shall be provided and used for no other purpose than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of

traffic in accordance with 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.

- 28 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 23 cycle parking spaces (11 long stay and 12 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.

- 29 No works on the public highway including reinstating one redundant crossover to footway and upgrading two existing crossovers, changes to the CPZ parking layout in front of the site on Leaside Crescent and reinstating the footway along the site frontage shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 278/184 of the Highways Act for these works any and reinstatement of the footway along the site frontage and any consequential damage to the public highway resulting from the proposed development. All off-site highway works shall be carried out fully implemented to the satisfaction of the Local Highway Authority prior to first occupation of the development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety and 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

- 30 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 31 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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.

- 32 Before the permitted development is occupied, details of parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved parking management plan.

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

- 33 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 2 active electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2021

- 34 Before the non-residential use hereby permitted is occupied, an updated activities management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include Traffic Management Measures event days, Street Cleansing, Emergency Evacuation Procedures, Crowd Control Measures, Road Safety Considerations, Annual Review of the Plan. The development thereafter shall only be operated in accordance with the approved events management plan.

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.

- 35 a) The non-residential development hereby permitted is required to meet the BREEAM 'Very Good' rating/level.

b) Before the non-residential 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 October 2016) and Policy SI 2 of the London Plan 2021.

36 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until 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); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

37 Prior to the first occupation of the residential flatted 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 Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013, updated 2016).

38 The development shall be implemented in accordance with the recommendations and enhancement measures, contained within Preliminary Roost Appraisal (Arbtech Consulting, February 2022) and the Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022) approved under this consent.

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).

39 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 2021.

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 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 4 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.
- 5 To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a

photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works. Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the councils Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

- 8 It is important to reiterate that all bat species and their roosts are strictly protected under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 (amended by the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019). Therefore, a European Protected Species Licence (EPSL) will be required to enable the proposed development to be lawfully undertaken, whilst ensuring the favourable conservation status of the species concerned in their natural range. The BMCL application requires that all surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission." The EPSL must be in the necessary pre-commencement conditions outlined within the licence e.g., bat roost boxes, discharged before any works which would directly impact the bat roost can begin.

The applicant is responsible for submitting the application for the BMCL to Natural England. They as the statutory nature conservation organisation will determine whether the details outlined within the licence application e.g., bat mitigation and compensation measures, are satisfactory to enable approval of the application and submission of the BMCL. The applicant will then be responsible for discharging all conditions of the licence, as per the methods and work schedule stipulated, and within the time frame of the Natural England licence.

- 9 It is advised that those shrubs and individual trees scheduled to be removed to enable the works to be replaced with species of high biodiversity value include fruit/nut producing trees and shrubs e.g. hazel, blackthorn, field maple, pedunculate oak, yew and hornbeam. A best practice approach is to apply a '10-20-30' formula to develop a diverse tree/shrub population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals. Shrub layer planting of native and night scent plants would provide benefit of pollinating insects, birds, and bats (RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>).
- 10 In the event of any protected species (e.g. hedgehogs, reptiles, badgers, bats) being found works must stop and the project ecologist consulted and the correct level of additional surveys and mitigation applied including any licences that are required to be approved and issued by the Natural England (if required). Following the appropriate level of approval works may resume.
- 11 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure

plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

- 12 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.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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.

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

- 14 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

OFFICER'S ASSESSMENT

Planning Conditions/Obligations/Contributions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

Recommended obligations are set out below:

The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:

- The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
- All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- A financial contribution towards carbon off-setting of £20,434 in order to achieve net zero carbon dioxide emissions
- A financial contribution of £5,000 towards Travel Plan monitoring
- Meeting the Council's costs of monitoring the planning obligation
- The applicant will be required to enter into a s184/278 agreement with the council to undertake any works on the public highway, including reinstating of one redundant crossover to footway and upgrading of two existing crossovers, changes to the CPZ parking layout in front of the site on Leaside Crescent, reinstating the footway along the site frontage.
- A legal agreement to deny residents/visitors to the development the right to purchase parking permits

1. Site Description

The application site is located on the eastern side of Leaside Crescent, within the ward of Golders Green.

The site comprises two, two-storey semi-detached buildings which are joined together via a two-storey link extension. Based on the site's planning history, it has been in use as an elderly person's care home since the late 1960s. The site has recently become vacant, with the previous care home ceasing operations at the address.

The application site includes a series of non-original extensions, including a link structure and lift overrun, side and rear dormers and single-storey rear extensions. The site benefits from a large rear garden which back onto Hendon Park Row which connects to Finchley Road and the Temple Fortune Town Centre.

Leaside Crescent and the streets immediately to the north, west and south are predominantly characterised by two-storey residential dwellings. There is a smattering of examples of C2 uses along Leaside Crescent, with the application site previously providing supported living for elderly residents and no.48 (Hanna Schwalbe House) supporting residents with learning difficulties.

The application site is located within 150m of the Temple Fortune Town Centre. Policy DM11 defines an edge of centre site as being within 150 metres of the town centre boundary.

There are no protected trees on site, or on adjacent land, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The site is located in an area with a Public Transport Accessibility Level (Ptal) of 2 (low), with a CPZ that operates Mon-Fri, 10-11am and 3-4pm. The site is located in Flood Zone 1 (low risk).

2. Site History

Reference: 15/00636/FUL

Address: Clara Nehab House, 13 - 19 Leaside Crescent, London, NW11 0DA

Description: Roof extension involving enlargement of existing side and rear dormer windows creating a side/rear wraparound dormer window

Decision: Refused

Decision Date: 1 April 2015

Reference: 15/04012/FUL

Address: Clara Nehab House, 13 - 19 Leaside Crescent, London, NW11 0DA

Description: Extension to roof including no. 2 new rear dormer windows to extend loft conversion

Decision: Approved subject to conditions

Decision Date: 18 September 2015

Reference: C07975F

Address: Clara Nehab House, 13 / 19 Leaside Crescent, London, NW11

Description: Ground floor front extension to form a boiler room.

Decision: Approved subject to conditions

Decision Date: 24 May 1996

Reference: C07975E

Address: 13 - 19 Leaside Crescent, London, NW11

Description: Erection of two, single storey front extensions

Decision: Approved subject to conditions

Decision Date: 04 October 1995

Reference: C07975C

Address: 13, 15, 17, 19 Leaside Crescent, London, NW11

Description: Single storey rear extension to form sheltered flats, change of use of No. 19 from residential to old persons home in association with Nos. 13, 15 and 17, to provide 3 rooms, single storey rear extension to Nos. 13, 15 and 17 and Front Entrance Porch.

Decision: Approved subject to conditions

Decision Date: 30 July 1986

Reference: C07975B

Address: 19 Leaside Crescent, London, NW11

Description: Change of use from residential to old persons home in connection with nos. 13, 15 and 17 Leaside Crescent, vehicular access and two car parking spaces

Decision: Approved subject to conditions

Decision Date: 23 January 1985

Reference: C07975

Address: 17 Leaside Crescent, London, NW11 Issued in confidence by London Borough of Barnet

Description: Use as old person's home and provision of two car parking spaces.

Decision: Approved subject to conditions

Decision Date: 27 November 1982

Reference: C01387A

Address: 13 & 15 Leaside Crescent, London, NW11

Description: Change of use to Old Persons Home.

Decision: Approved subject to conditions

Decision Date: 30 May 1968

3. Proposal

This application seeks permission for the demolition of existing building and construction of a three-storey building to accommodate a Beis Hamedrash and 1no. 4-bed family dwelling (Use Class C3) together with the construction of a new three-storey building with access from Saffron Close to accommodate 5no. self-contained flats (Use Class C3) with associated amenity space, landscaping, refuse storage, car and cycle parking.

The proposed Beis Hamedrash (herein 'BHM') will predominantly occupy the footprint of Nos 13-15 Leaside Crescent and comprise a two-storey building with a mansard roof form. The main study hall of the BHM would occupy the entire ground floor level, with a part void, part gallery at first floor level. The habitable space provided by the mansard roof would be used as office and ancillary space for the BHM.

The entrance lobby, stairwells, cloakrooms, toilets, and other facilities would largely occupy the plot of what is currently No 17 Leaside Crescent, in a similarly sized two storey

building with mansard roof form, connected by a two-storey link extension (as per the existing design on site).

To the rear of the BHM (Nos 13-17) a single storey ground floor projection is proposed, 3.5m in depth, across a width of 16m. This space would serve as a small hall to the rear of the main study hall.

Adjacent to the above, occupying largely the plot of No 19 Leaside Crescent would be a four-bedroom residential dwelling house, indicated to serve as the accommodation for the Rabbi of the BHM, with living space on the ground floor, three bedrooms over the first floor, and one bedroom in the mansard roof space.

1no. parking space, bin enclosure and cycle store are proposed to the forecourt in front of the Rabbis House, with 1no. disabled parking space, bin and cycle store located at the front of the BHM.

The proposed residential block at the rear of the site comprises a two-storey building with a mansard roof. Two flats are proposed at ground and first floor level, with an additional flat in the roof space. Access to the rear residential block will be from a new access point created on Hendon Park Row, with no through access onto Leaside Crescent or the BHM building at the fore of the site.

The existing rear amenity space would be subdivided to provide for a private rear garden to the rear of the Rabbis House (No 19), an outdoor garden space for the BHM, a private outdoor garden for ground floor flats 1 & 2 respectively, and a communal garden space for the remaining 3 flats.

4. Public Consultation

A site notice was posted on the 3rd March 2022.

Consultation letters were sent to 87 neighbouring properties.

29 responses have been received, comprising 18 letters of objection and 11 letters of support.

A second 28-day consultation process was carried out, due to amended description of development and plans, between the 18th of November 2022 till the 16th of December 2022.

146 responses have been received, comprising 1 letters of objection and 145 letters of support.

Letters of objection:

It is prudent to note that the initial objections received comprise a single petition document signed with 18 signatures and addresses, mostly residents of Saffron Close. It is unclear from the petition whether the objector during the second consultation period is a signatory on the original petition or not.

The objections received can be summarised below:

- The access to Hendon Park Row (Saffron Close) was granted for the elderly residents of the care home specifically. There is no need for this to be maintained.
- The residential block at the rear will result in loss of light and overshadowing to buildings on Saffron Close
- Access from Hendon Park Row will result in additional human and vehicle traffic on Saffron Close. It is inevitable that the Saffron Close will be used as access for the BHM.
- Questions over whether it is necessary for a charity/community to provide residential units.
- Parking on Saffron Close already congested; proposed development would worsen situation, and Saffron Close will become parking area of choice.
- Noise and disturbance from community centre and use, with the risk of amplified music.
- Community currently occupies a building adjacent to properties on Saffron Close. Comments received regarding behaviour of occupiers of this building (note: it is unclear from the comments whether complaints are directed towards the applicant or other tenants of the building)
- A number of points were raised regarding the activities plan and disturbance (with some reading more as comments than objections):
 - House of operation of BHM should be limited to 8am-10pm, with reasonable hours for refuse collection.
 - No classes or activities should take place on Bank Holidays, with activities restricted on Sundays as well.
 - Activities schedule is unclear when lessons to teenagers will take place and end.
 - Amplified music should be used only in a closed sound proofed hall, with noisy outdoor activities avoided.
 - Residents wish to know what time during the week it will be peaceful and quiet
 - Parents should not leave children unsupervised to run around.

Letters of support:

11 comments of support were initially received. During the second reconsultation 145 comments of support were received. It is prudent to note that many of the comments of support come from addresses on Leaside Crescent as well as surrounding streets, e.g. Bridge Lane, Cranbourne Gardens etc.

The letters of support received can be summarised below:

- General statements of support for the proposal
- The current premises are an eyesore and are in desperate need of rejuvenation.
- Happy that community is providing services of education, prayer, social in local area.
- No alternative premises on account of requirement to be within walking distance
- Design is aesthetically pleasing, in proportion and will only add to the neighbourhood appeal.
- Not concerned by traffic and noise levels as community has track record of being considerate and only limited numbers will attend.
- Proposal will enhance the local facilities for people which are disabled as I understand they will have wheelchair access. There are few places with wheelchair access as most study centres were built long ago hence, they are not suitable.
- They will be providing essential services such as education and prayer meetings which will be available to all as it will be wheelchair accessible.

- As a neighbour I have no concerns about increased traffic or noise levels, as numbers will be low on a weekday and at weekends and festivals nobody will be arriving by car.
- The community desperately needs new facilities as their current facilities aren't easily accessible for disabled members of the public and it would be nice to see the youth have a place for educational programs.
- The community it will house is currently using a dark damp premises which does not serve the community needs.
- They are known to be considerate community members so not worried about traffic and noise.
- The area is very family orientated and proposal would enhance the facilities needed and provide for extra-curricular educational activities for local youth.
- Proposal will provide much needed essential services, ie. education, prayer, social activity, which are currently very much limited by the communities currently rented premises, which are not satisfactory for their purposes.
- The community members, which include many neighbours, are well respected and known to be considerate and there need be no concerns regarding undue traffic and noise during weekday which, for this community, is not a factor over the Sabbaths and Jewish Festivals, during which none of the community drive.
- The community are very friendly and its members have already endeared themselves to the locals through their care and consideration
- The proposed project will provide proper facilities for a much needed local institution which is used by many residents.
- The design of new building is modern and aesthetically pleasing and much thought has gone into it.

5. Planning Considerations

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 revised National Planning Policy Framework (NPPF) was published on 20th July 2021. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Relevant policies:

Policy D1 London's form, character and capacity for growth
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D11 Safety, security and resilience to emergency
Policy D12 Fire safety
Policy D14 Noise
Policy H8 Loss of existing housing and estate redevelopment
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 2 Minimising green house gas emissions
Policy SI 13 Sustainable drainage
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car Parking
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

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: CSNPPF, CS1, CS5, CS6, CS9, CS10, CS11
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM09, DM10, DM11, DM13, DM16, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 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 make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the

statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Impact on character and appearance;
- Impact on amenity of neighbouring occupiers;
- Impact on amenity of future occupiers;
- Impact on highways and parking;
- Impact on trees;
- Impact on biodiversity/ecology;
- Flooding and drainage;
- Security/safety including fire safety;
- Sustainability and Accessibility;
- Refuse and recycling;
- Environmental Health matters;
- Any other material consideration

5.3 Assessment of proposals

Principle of development

The most recent use of the properties at 13-19 Leaside Crescent was as an elderly person's care home (C2).

The LPA understands that the care home use has not been in operation for a period of more than 2 years.

The applicant has submitted a planning statement which addresses the previous use of the site and states that the services previously provided by the care home at the applicant site have been redistributed among other facilities: "the residential care home on-site ceased operation two years ago as it was deemed no longer viable to meet the requirements of modern care, given the buildings are not purpose-built and have become increasingly antiquated by modern legislative standards. A significant amount of investment would be required for the care home to continue functioning given its existing layout which is not Disability Discrimination Act ("DDA") compliant. Even after this outlay the existing fabric of the building would not be conducive to medium to long term care, given the trend of residential care facilities towards providing for high care specialist needs as identified by Barnet's DMP and Draft Local Plan. Given these issues, the decision was made to close the residential care facility with the services being consolidated in other

accommodation under the auspices of Jewish Care. Jewish Care are a charity that provide housing, care and services for the elderly and infirm across communities in the UK."

The existing buildings have been extended by way of single storey and two-storey rear extensions and extensions to the roof. These extensions include a two-storey link element between the two original pairs of semi-detached dwellinghouses.

The proposal would involve the loss of the existing C2 use. This loss is addressed in both Policy DM07 and Policy DM09. Policy DM07 addresses the loss of residential housing by stating that the:

Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
 - b. where need can be demonstrated and;
 - c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies
- or;
- d. the location is no longer environmentally suitable and viable for residential use
 - or;
 - e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Policy DM09 which also addresses the loss of specialist housing states: Loss of extra care housing will not normally be acceptable and compliance with Policy DM13: Community, Health and Education uses will be expected to be demonstrated where community facilities may be lost.

The relevant section of Policy DM13 referred to states: New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

In accordance with the above-cited policy, the loss of the existing specialist housing for elderly persons would only be acceptable where the proposed use is a community, health or education use and is located in an accessible location, with no significant adverse impact on the surrounding highways network or the amenity of residential properties (in accordance with Policies DM07, DM09, and DM13).

The proposal is to demolish the existing building and replace with the proposed construction of a two storey BHM community facility (Class F1 (formerly D1)) with associated facilities and offices, at Nos 13-17, alongside a new two storey residential unit (Rabbi's House) (Class C3) and No 19 Leaside Crescent.

The Design and Access Statement defines a Beis Hamedrash (BHM) as a "Jewish study hall generally located in a synagogue, yeshiva, kollel, or other building. It is distinct from a synagogue, although many synagogues are also used as batei midrash and vice versa." A BHM is understood to have a stronger educational element, compared to a Synagogue which is focused more as a place of worship.

It is prudent to note that the large number of supporting comments received during the consultation period, with the majority of which being sent from addresses on Leaside Crescent itself or surrounding streets. Recurring themes amongst the almost 150

comments include comments from neighbouring residents that the site has been used historically as a care home, and support that the site will continue to be employed in community use, in particular as a BHM for 'Tiferes Yisrael' which provides services and serves as a community for many local residents.

Given the replacement building will be used for a F1 community use, with an identified need and demand as outlined in detail in the applicants planning statement, the principle of the development is thus considered to meet the policy tests and would be acceptable.

The proposal includes the provision of a two storey residential Rabbis house (Class C3), and the construction of a three-storey residential development to the rear of the site, off Hendon Park Row, comprised of five residential apartments (Class C3).

Given the proposed replacement community use, the adjoining residential unit would be considered appropriate for this part of the site. The erection of a new residential use to the rear of the site is considered to be acceptable in principle, given the predominantly residential character of the surrounding area.

The considerations above, however, are subject an acceptable impact on the local character, the amenity of neighbouring residents, a satisfactory level of accommodation for future occupiers of the proposed flats and a number of other material considerations that will be addressed below.

In summary, subject to compliance with the relevant development plan policies, officers find the principle of re-development of the site to provide a Class F1 community BHM, and Class C3 residential units, is considered to be acceptable and appropriate for the site.

Impact on the character and appearance of the area

Relevant policy:

Paragraph 126 of the National Planning Policy Framework (2021) states:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Policy D3 Optimising site capacity through the design-led approach of London Plan 2021 sets out policies in respect of the design-led approach; form and layout; experience and quality and character.

Policy D5 Inclusive design of London Plan 2021 sets out policies for achieving standards of accessible and inclusive design.

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point b: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the

appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Design process:

Section 4 and 5 of the Design and Access Statement sets out the pre-application advice process the applicant undertook, and the changes made, prior to submission of a formal planning application. This included detailed discussions with the Councils Urban Design officers and Planning Officers.

Appraisal:

13 - 19 Leaside Crescent, BHM:

Leaside Crescent is characterised by two storey pairs of semidetached houses in similar architectural styles, with front bay windows and/or projecting front gables. Properties on the eastern side of Leaside Crescent are relatively uniformly set back from the street, with many benefitting from front forecourts providing off street parking. Frontages are generally open; where boundary treatments exist these consist of low boundary walls.

The proposed replacement building fronting Leaside Crescent would be two storeys and have a mansard roof design, with a set down in the centre to provide a sense of separation between Nos 13-15 and 17-19 which would reflect the massing of the existing building and original semi-detached pair of houses.

The proposed replacement building largely occupies the extensive footprint of the existing properties in situ, and the property maintains the existing front building line and prevailing pattern of development.

Due to the gradient of the land, which slopes gently down from north-east to south-west, neighbouring No 11 sits at a slightly higher level than the applicant site, with their eaves and ridge height rising higher than the eaves and ridge height of the proposed BHM. Neighbouring No 21 would sit at a slightly lower level than the proposed Rabbis House, however this would be no different than the existing relationship in levels that exists between it and No 19 at present. The proposed replacement buildings and accompanying mansard roof would actually have a lower eaves and ridge height, in many parts, when compared to the existing buildings currently in situ.

In regard to the rear of the site, the central single storey protruding element, has been reduced throughout the design process to no more than 3.5m from the rear of the neighbouring property's (whilst being significantly set off the boundaries on both sides). This is in accordance with the depth normally permitted for extensions to semi-detached properties and ensures the development is in keeping with the established building line on this section of Leaside Crescent, whilst also reducing the overall massing and footprint to a level more in keeping with that of the neighbouring properties.

The materiality of the proposed development has been designed to reflect the vernacular of a community building along with the surrounding residential context. The frontage of nos. 13-19 Leaside Crescent is split between the BHM building along nos. 13-15 and the BHM entrance and Rabbi's House at nos. 17-19, in order to create a strong distinction between the two and retains the characteristics and rhythm of pairs of semi-detached properties along Leaside Crescent.

The BHM building at nos. 13-15 is finished in a Jerusalem Stone distinguishing it from the surrounding residential properties as a communal building. It is clear that the proposed materiality would obviously not reflect the traditional palate of materials used in a residential setting. However, due to the buildings standalone design and purpose within its surroundings, it is considered appropriate and acceptable to accentuate the proposed buildings community use, rather than attempt to mimic and take cues from the residential dwellings around it.

The BHM entrance and Rabbi's House at nos. 17-19 will have a brick finish intended to relate to the surrounding residential context with the grouping of nos. 13-15 as distinct from nos. 17-19. The mansard roof of Nos 13-19 will be finished with a zinc cladding and high-quality aluminium windows, with the BHM building having stone fins and a perforated metal sheet adding articulation to this façade.

Overall, officers are satisfied that the design footprint, layout, scale, height, articulation, and roof form, is acceptable and that the replacement building would be a sympathetic addition to the streetscene whilst clearly denoting the community use.

Hendon Park Row:

The residential block to the rear of the site has been designed as a two-storey building with a mansard roof form. The proposed building would relate principally to Hendon Park Row, which would provide access to the residential use.

The rear residential block has been designed to be subordinate in scale to the height of the adjacent flat blocks along Saffron Close and Hendon Park Row, whilst also matching their width ensuring the massing, as well as the scale of the building, is reflective of the eastern side of the site context, which has a different character to the relative uniformity of the Leaside Crescent context.

Hendon Park Row comprises of three storey purpose-built blocks of flats with a mixture of flat and gable ended pitched roofs. A three-storey flat roofed block was initially explored, and though such a scale would not be entirely out of keeping with the surrounding buildings, throughout the design process it was felt to result in substantial bulk and massing at roof level. The proposed mansard roof form softens and integrates the mass of the building better, whilst also matching the roof form of the proposed building to the fore of the site, and is considered acceptable.

The residential block shares many of the same principals as the front BHM building but has brick colour to match the residential blocks along Saffron Drive/Hendon Park Row, along with the addition of zinc clad balconies.

In summary, the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the application site and surrounding area.

Conditions have been recommended to ensure that the materials used for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with the development plan policies that relate to design, character, appearance, and landscaping matters.

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

No. 11 Leaside Crescent:

To the north-east of the BHM building (No. 13) is No 11 Leaside Crescent, a two-storey semi-detached dwellinghouse. Typical to the properties on Leaside Crescent the front elevation is characterised by way of a large two storey projecting element with bay window and gable roof.

The proposed BHM building is set off the boundary with No 11 by a gap of 0.9m, with a further distance of 0.85m from the boundary to the flank wall of No 11. The front building line of the BHM does not protrude beyond the front building line of No 11, and the main two-storey footprint of the BHM building does not protrude beyond the established rear building line of the adjoining property at no. 11 which has an unobstructed 45-degree sightline from their nearest habitable room window. The ground floor level of the BHM features a 3.5m deep projection, which corresponds to a 3.5m extension beyond the neighbours rear building line. A 3.5m deep single storey rear extension is generally considered acceptable by the Residential Design Guidance in the context of regular semi-detached dwellings and considering that this projection is set off the common boundary by 4m, with unobstructed sightlines from the neighbours rear habitable windows demonstrated, it is not anticipated to give rise to a deleterious amenity impact to the neighbouring occupiers.

No. 21 Leaside Crescent:

Neighbouring No 21, which lies to the south-west of the proposed Rabbi's House (No. 19) is a two-storey semi-detached dwellinghouse. The proposed development would sit 1.6m behind the projecting front building line of No. 21. No 21 benefits from a historic approximately 3.8m deep single storey rear extension. As such, the rear building of the two-storey residential unit would sit 0.9m behind the established building line of neighbouring No 21. The proposed extended depth at ground floor level of the BHM would be situated between 8 -12m from the property at No 21 and would similarly not result in any onerous amenity impact.

No windows are proposed to the first or second floor (mansard roof) side elevation facing No 11, and only 1 side elevation window to the first floor of the Rabbi's House facing No 21. This window is shown to serve a bathroom and would be obscure glazed. As such, officers are satisfied that the proposal would not result in any harmful overlooking or loss of privacy to the neighbouring occupiers.

The proposed massing, scale and bulk of the proposal has been carefully considered, as noted in the section above, to ensure that the new development does not appear overbearing nor result in harmful overshadowing to the neighbouring occupiers. The footprint of the building largely occupies the extensive footprint of the existing properties in situ, and the ridge height of the mansard roof is lower than the ridge height of that of those existing.

Due to the gradient of the land, which slopes gently down from north-east to south-west, neighbouring No 11 sits at a slightly higher level than the applicant site, with their eaves and ridge height rising higher than the eaves and ridge height of the proposed BHM. Neighbouring No 21 would sit at a slightly lower level than the proposed Rabbis House, however this would maintain the existing relationship in levels that exists between it and No 19 at present. Moreover, suitable gaps have been maintained between the boundaries and flank walls of both neighbouring properties, and the proposed mansard roof is set in from the eaves of the building, on all four elevations, by approximately 2m, which serves to significantly minimise any harmful overbearing impact.

A daylight/sunlight report was carried out, based on the Building Research Establishment Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) and BS 8206-2:2008 (Lighting for Buildings, Part 2: Code of Practice for Daylighting) to assess potential impacts and determine the significance of any change in access to daylight and sunlight.

The DSO Report demonstrates, using the 25-degree test and more detailed VSC targets for specified windows, that the proposed development would have no significant impact on the amenity of adjoining neighbours in terms of loss of daylight and sunlight.

In regard to overshadowing of rear amenity space, the DSO Report also provides an overshadowing assessment of surrounding amenity space which demonstrates that each area of amenity assessed would receive at least two hours sunlight across at least half the garden on 21st March, in line with the recommended BRE Guidance.

Residential Block - Saffron Close, Hendon Park Row:

The proposal includes sub-dividing the extensive rear gardens and providing a two storey residential block with mansard roof, to accommodate 5no flats. Access will be provided from Hendon Park Row.

The proposed block is not in immediate proximity to any properties on Leaside Crescent and is situated at a distance of 18m and 13m from the two closest blocks of flats on Hendon Park Row and Saffron Close. The layout and form of the residential block at the rear has been carefully designed to ensure it does not lie directly in, nor obstruct, the sightlines of neighbouring residential properties.

As noted above, a daylight/sunlight report was carried out, based on the Building Research Establishment Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) and BS 8206-2:2008 (Lighting for Buildings, Part 2: Code of Practice for Daylighting) to assess potential impacts. The DSO Report demonstrates, using the 25-degree test and more detailed VSC targets for specified windows, that the proposed development would have no significant impact on the amenity of adjoining neighbours in terms of loss of daylight and sunlight. An overshadowing report carried out found that due to the proposed residential blocks siting to the north of the block on Saffron Close, the proposed development would not give rise to any harmful overshadowing of the neighbouring windows.

Of particular significance to the assessment of the residential block is the potential for overlooking between habitable windows. Barnet's Sustainable Design and Construction SPD (2016) states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden.

A distance of 21m has been demonstrated between the ground floor west elevation window of Flat 1 and the rear habitable windows of the proposed Rabbis House, with a distance of 25m to the rear habitable windows of No 21 Leaside Crescent. Similarly, a distance of 21.5m has been demonstrated between the windows facing the rear fenestration of the proposed BHM, and a distance of 25.8m to the rear habitable windows of No 11 Leaside Crescent.

Concerns were raised regarding the first and second floor (mansard roof) windows/balconies on the south-west elevation of the residential block, which would have a distance of less than 21m and be directly overlooking the existing residential properties to the south on Saffron Close. Following a site visit by the case officer, it was confirmed that some of the windows in Saffron Close that would be directly overlooked served habitable rooms.

The proposals were subsequently revised, removing the balconies on the first and second floor of this elevation and introducing oriel windows with a minimum oblique angle view of between 22 - 24m to the windows of the existing flats on Saffron Close. The side of the windows orientated towards Saffron Close at its closest point would be obscured glazed.

These windows and the relevant distances have been demonstrated within the 'Oriel Window' addendum to the Design and Access Statement.

Officers are satisfied that the proposed windows now comply with the relevant guidance and the development would not result in a degree of overlooking that is overly onerous to the amenities of the neighbouring occupiers.

Other neighbourly/amenity issues:

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that new development should take into account neighbouring properties to ensure that nuisance will not be caused from lighting during night-time hours.

The submitted Sustainability Statement by AJ Energy Consultants Ltd, dated November 2021, states that any external lighting would be designed to minimise impacts on existing dwellings or the proposed development. The guidelines within the Institution of Lighting Engineers' Guidance Notes for the Reduction of Obtrusive Light would be used to minimise the impacts, by using screening, shielding, careful design of mounting heights and appropriate lighting controls as necessary.

Considering the proposed development's relationship with the immediate neighbouring buildings, the application is considered acceptable in terms of impact of lighting during night-time hours.

Impact on amenity of future occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the

national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents.

This includes, amongst other things, London Plan 2021 Policy D6 Housing quality and standards. Barnet's Sustainable Design and Construction SPD (2016) sets out further design standards.

The proposed unit sizes are outlined in the table below:

Unit	Min. Required (sqm) GIA	Proposed (sqm) GIA	+/- (%)
Unit 1 (1b2p)	50 (1 Storey)	50	100
Unit 2 (1b2p)	50 (1 Storey)	50	102
Unit 3 (1b2p)	50 (1 Storey)	57	114
Unit 4 (1b2p)	50 (1 Storey)	51	102
Unit 5 (3b5p)	86 (1 Storey)	91	106
Rabbi's House (4b8p)	130 (3 Storey)	190	152

Planning Officers are satisfied that the proposed units meet the minimum internal space standards for new dwellings as set out in Table 3.1 of the London Plan 2021, as well as built-in storage standards.

The proposed residential units comply with the required minimum, bedroom standards as follows: Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard. Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard and every other double (or twin) bedroom is at least 2.55m wide. The units meet the bedroom floor areas and widths as specified in Policy D6 points (2) and (4) of the London Plan 2021.

The proposed units would be dual aspect, and all habitable rooms would have reasonable outlook. The units would also comply with the requirement for a minimum internal floor to ceiling height of 2.5m for at least 75% of the dwelling, in order address the impacts of the urban heat island effect and provide adequate quality housing, especially in terms of daylight penetration, ventilation and cooling.

The applicant has submitted a 'Daylight, Sunlight and Overshadowing Assessment' by Tetra Tech, dated 8th February 2022, with a revised addendum, ref: 784-B030641, dated 11th November 2022.

Building Research Establishment Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) and BS 8206-2:2008 (Lighting for Buildings, Part 2: Code of Practice for Daylighting) were used to assess potential impacts and determine the significance of any change in access to daylight and sunlight.

Daylight: A total of 52 windows were assessed for Vertical Sky Component. 4 windows of the BHM/Rabbis House and 4 windows of the residential block did not meet the VSC criteria. Of those 8, the 4 rooms that are classed as living spaces or bedrooms, 3 rooms in the residential block and 1 room in the BHM (part of the Rabbi's House), were assessed for ADF (Average Daylight Factor). All 4 rooms assessed passed their respective ADF criteria.

Sunlight: BRE Guidance suggests that sunlight availability is checked at the centre of at least one window to a main living room on each main window wall which faces within 90°

of due south. Sunlight was assessed by comparing the baseline sunlight hours yearly and in the winter months (21st Sep - 21st March) against the proposed development. If the sunlight hours were >25% for the full year between (8:00-18:00) and >5% in the wintering months, then the living space does not meet the criteria set out within the BRE Guidance.

Of all the living spaces assessed, 1 window in the BHM (Rabbis House - ground floor dining room) did not meet the criteria for both the yearly and winter months however, the living space is facing 21 Leaside Crescent and it is unlikely that any window of this floor of this façade would receive adequate sunlight; this living space also is dual aspect, and it can be assumed this living space would receive adequate sunlight during the wintering months.

The residential block had 1 living space that did not meet the ASPH (Annual Probable Sunlight Hours) criteria for the wintering months. This living space has dual aspect windows, and it can be assumed that the living space will still receive adequate sunlight.

Additionally, as stated within the BRE guidance, whilst direct sunlight into rooms is desirable, it is acknowledged that it is difficult to achieve in all living spaces within flats in an urban environment.

Notwithstanding the findings of the 'Internal Daylight and Sunlight Report' glazing to all habitable rooms would not be less than 20% of the internal floor area of the room, as required by Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

The revised addendum, ref: 784-B030641, dated 11th November 2022 addresses the 4 oriel windows that are proposed to flat no 3 and 5 on the south-western elevation, which have been introduced to maintain at least a 21-metre distance between the rear residential block and the adjacent residential properties. The document demonstrates that all the rooms served by the proposed oriel windows would still receive adequate daylight, sunlight and outlook.

Overall, officers are satisfied that the proposed habitable rooms will be provided with adequate outlook, daylight and sunlight for potential occupiers and users.

In regard to outdoor amenity space, Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) states that 85 sqm of outdoor space is required for houses of seven or more habitable rooms. The Rabbis House has been provided with a private rear garden in excess of 90s sqm and would comply with the standards.

For flats, 5 sqm of space per habitable room is required. Appendix 2 - Glossary of Barnet's Sustainable Design and Construction SPD (2016) states that rooms exceeding 20 sqm will be counted as two rooms when defining 'habitable room'. Therefore, considering the proposed living /kitchen/dining areas in the flats exceed 20 sqm in total area, they are considered two habitable rooms.

The minimum required outdoor amenity space for the five flats is thus 15 sqm for Flats 1 - 4 and 25 sqm for Flat 5.

Ground floor flats 1 and 2 of the rear residential block having been provided with private garden and patio areas of 78sqm and 72sqm respectively.

First floor no 4 has been provided with private balconies 5.1 and 5.2 sqm (10 sqm shortfall), whilst Flat 5 has been provided with one private balcony. (The balcony for flat no

3 and the secondary balcony of flat no 5 were removed to be replaced by the oriel windows and prevent overlooking).

Notwithstanding the shortfall of immediate private amenity space for flats 3 - 5, the occupiers of these flats have been provided with an approximately 120sqm communal garden.

As such, on the balance of matters, officers are satisfied that the outdoor amenity space provided is considered acceptable.

Impact on Highways and Parking:

Paragraph 109 of the National Planning Policy Framework (2019) states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy T6 Car parking of the London Plan 2021 set out parking policies at London wide level.

It states, amongst other things:

- A Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.
- B Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.
- C An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.
- D The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.
- E Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking.
- I Adequate provision should be made for efficient deliveries and servicing and emergency access
- L Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy. Some flexibility may be applied where retail sites are redeveloped outside of town centres in areas which are not well served by public transport, particularly in outer London.

Policy T6.2 sets out office parking standards and policies. Policy T6.4 sets out hotel and leisure uses parking standards and policies. Policy T6.5 sets out non-residential disabled persons parking standards and policies. Policy T7 sets out policies for deliveries, servicing and construction.

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's strategic policy in regards to travel and transportation. Policy DM17 of Barnet's Development Management

Policies Document DPD (2012) sets out the Council's policies in regard to travel impacts and parking standards. Point g part 1 of Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development.

Accompanying the application, the applicant has submitted an Activities Management Plan (AMP), Transport Statement, and Faith Travel Plan.

The LPA's Highways officers have been consulted on the application and provided the following assessment:

The site fronts onto Leaside Crescent but includes a rear garage which is accessed from Saffron Close. The site lies in an area with a PTAL score of 2 (low). The road is in a CPZ that operates Mon-Fri, 10-11am and 3-4pm and near Golders Green Town Centre which has several public amenities. 3 bus routes (460, 102, 82) can be accessed from stops within 3 minutes walking distance of the site. Golders Green tube station and Brent Cross Underground Station are 1.4km and 1.2km respectively from the site.

The proposal seeks to demolish the existing properties on site and to erect a three storey building to accommodate a BHM; a 1 x 4bed dwelling and a 3 storey building containing 5 flats (4x1bed and 1x3bed) with access from Saffron Close along with associate parking landscaping and cycle parking.

Based on policy DM17, the proposed 4 bed house (Rabbi's house) will attract between 1.5 - 2 spaces, whilst the 5 self-contained apartments will attract between 1 - 5.5 spaces.

There are no specific parking requirements for religious centres and each case is considered on its merits. In this instance, a maximum of 100 people are expected visit the BHM any one time and based on similar schemes approved in the borough, it is acceptable to provide 1 space for 10 visitors.

Based on this analysis, a total of between 13-18 spaces is required.

Two parking spaces are proposed, a disabled bay to serve visitors to the BHM and the other to serve the proposed Rabbi's House. The use and operation of the off-street disabled bay should be set out in the travel plan of the site.

No parking is proposed for the 5 flats so potentially 18 vehicles could be displaced on-street by the development.

A parking stress survey was conducted in support of the Transport Statement which highlighted that for roads within a 200m walk of the site, should the parking demand associated with the BHM and residential units both occur at either of the busiest occasions for the BHM (Friday 19:30 or Saturday 12:00), as a worst-case scenario, there will still be at least 22 available spaces to park. For non-residential uses, the survey area can extend to 500m distance from the site and so there is likely to more parking spaces available.

It is also important to note that in practice, during peak periods during the Shabbat (Friday sunset to Saturday Sunset) or during the main festivals, visitors to the BHM will not drive to the site and it is expected that they will travel to the site using active travel modes. Therefore, it is not anticipated that the demand for parking during these periods would have a detrimental effect on the occupancy levels and parking availability.

The proposed parking provision is acceptable subject to a S106 agreement with the Council to deny residents/visitors to the development the right to purchase parking permits and implement the submitted travel plan for the site.

The two parking spaces proposed on site will be fitted with an electric charging unit and acceptable. A condition to secure the provision of proposed charging points will be attached.

Pedestrian access to the proposed BHM and Rabbi's House is from Leaside Crescent. Two of the three existing dropped kerbs along the Leaside Crescent frontage will be retained and upgraded. One will be closed and reinstated to footway. The proposed changes will involve working on the public highway for which approval from the local Highway Authority is required. Highways will request that the footway along the site frontage on Leaside Crescent will be renewed.

A dimensioned parking layout plan showing the proposed parking bays, the dimensions of the existing and proposed crossovers including any redundant crossovers to be reinstated to footway bays will be requested by way of a condition.

The changes to the CPZ layout in front of the site is needed and the closing on one of the crossovers will create an opportunity to introduce an additional on- street parking bay.

Swept path drawings showing vehicles entering and leaving the proposed off-street parking bays on Leaside Crescent have been provided by the applicant, and following a review are considered to be acceptable.

Vehicle and pedestrian access to the block of flats will be from Saffron Close. No off-street parking is proposed for the block of flats is proposed but the Transport Assessment states that new footway will be constructed on Saffron Close to facilitate pedestrian access from block of flats. Residents will only be able to access the block of flats from Saffron Close. A plan showing details of the new footway on Saffron Close and the adopted highway is required. A clear delineation at the boundary of the adopted footway is needed. To carry out these off-site highway works a section 184/278 agreement will be required. Based on the plans submitted no stopping up of the highway is envisaged.

A plan of the proposed off-site highway works will be required and conditioned. The off-site highway works will include: Reinstating the redundant crossover to footway, Upgrading the existing crossovers, Changes to the CPZ parking layout in front of the site on Leaside Crescent, Reinstating footway along site frontage.

All off-site highway works must be completed to the satisfaction of the local highway authority prior to first occupation of the development.

A construction management plan has been submitted by the applicant and minor changes are needed. Footway closures may need to be reconsidered and there should be no construction related deliveries via Saffron Close. A "before and after" highway condition survey will be requested by way of condition.

Cycle Parking

In relation to cycle parking, provision must be in accordance with minimum London Plan standards. This equates to 8 long stay and 2 short stay spaces for the 5 flats, 2 long stay

spaces and for the Rabbi's house, and 1 long stay and 10 short stay spaces for the Beis Hamedrash.

Cycle parking for all users are proposed externally in a covered and enclosed environment which is acceptable. However further information, such as elevations, type of stands and internal dimensions of the store and any pinch points in the vicinity of the cycle store need to be provided. Cycle parking should be provided in a secure, covered, sheltered and enclosed compound. A suitable condition will be attached require the submission of further details prior to occupation.

Faith Travel Plan

A Faith Travel plan has been submitted by the applicant. Highways officers have reviewed the plan and it is considered to be acceptable.

A section s106 contribution of £5,000 is requested towards travel plan monitoring.

Activities Management Plan

An activities management plan has been submitted by the applicant. Officers have reviewed the plan, and whilst it is generally acceptable in principle, further details are required such as: Traffic Management Measures for event days, Street Cleansing, Emergency Evacuation Procedures, Crowd Control Measures, Road Safety Considerations and an Annual Review of the Plan.

A condition has been attached requiring an updated AMP to be submitted prior to occupation.

Delivery and Servicing

The servicing and delivery requirements for the proposed BHM and residential uses on the Site have been considered in the Transport Statement. The rear residential block is estimated to generate no more than 1 delivery a day from "light goods vehicle or Transit style vans, with many of these travelling in the area already" and in regard to the non-residential development "it is expected that deliveries will be undertaken by Transit-sized vans comprising of supermarket / food, office and cleaning products, miscellaneous supplies, regular post and occasional furniture or large equipment deliveries. It is anticipated that the Beis Hamedrash could generate up to 2 - 3 deliveries per week".

Given that the level of servicing demand generated by the development is unlikely to have a significant network impact on-street servicing it would be acceptable. In principle, however Highways have requested a full Delivery and Servicing Plan (DSP) to be submitted by way of condition.

Impact on trees:

National Planning Policy Framework: Section 131, advises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees

are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Policy G7 Trees and woodlands of London Plan 2021 sets out tree policies:

- o London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest - the area of London under the canopy of trees.
- o In their Development Plans, boroughs should: 1) protect 'veteran' trees and ancient woodland where these are not already part of a protected site
- o 2) identify opportunities for tree planting in strategic locations.

Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development.

The applicant has submitted an Arboricultural Impact Assessment, Landscape Masterplan, Urban Greening Factor Calculation and Construction Management Plan. The application site is not located within a local nature reserve or green belt land and contains no protected trees.

The application has been reviewed by the LPA's tree officers who have provided the following comments:

The majority of the trees impacted by the proposal are situated towards the easterly portion of the rear garden.

On-site trees being retained will be situated within the communal garden of the proposed three-storey residential building post-development. The proposal does not appear to present a risk to trees either on or off-site, and protective measures stipulated within the TPP appear acceptable. Layouts for new services do not appear to present a risk to retained trees on or off-site. There do not appear to be any level changes associated with this development which would impact trees situated on or off site.

8no trees currently situated in the rear garden (category c and u respectively) have been recommended for removal to facilitate the proposed development:

- o 1no holly (cat c)
- o 1no palm (cat c)
- o 1no cypress (cat c)
- o 1no cherry laurel (cat c)
- o 1no lilac (cat c)
- o 1no hawthorn (cat c)
- o 1no wild cherry (cat u)
- o 1no hawthorn (cat u)

These trees appear to be of low quality and provide limited public amenity to publicly accessible locations. As such, the extent of the removals appears broadly acceptable, however this should be coupled with adequate replacement planting.

The retention of numerous trees around the north-easterly boundaries of the rear garden, coupled with adequate replacement planting, will help soften the aspects of/from adjacent residential properties.

Street

There is 1no bastard service tree situated to the front of the property. According to Construction Management Plan ref: CMP 01 Rev C2 the pavement area to the front of the site is to be fully enclosed using hoarding, which will afford the tree adequate protection from the road-side. The site entrance is to be situated in close proximity to the tree.

Roots are unlikely to be at risk of construction related activities due to the presence of the existing hardstanding, and the location of the tree relative to access/egress routes. Additional protective measures (such as fencing per BS:5837) have not been proposed for this tree. There are 2no existing crossovers which will provide adequate access to the property post-development. The proposal does not appear to introduce post-development pressure to this tree.

Overall, there are no significant arboricultural objections to the application, subject to a revised landscaping plan which demonstrates proportionate replacement planting of native tree species (minimum 8no) to mitigate the loss of trees on site, as well as an updated TPP to incorporate additional protective fencing (per BS:5837) to protect tree T4 from activities taking place within the boundaries of the site hoarding.

Conditions will be attached to secure the submission of the required information.

Impact on biodiversity/ecology:

Policy G6 Biodiversity and access to nature of London Plan 2021 sets out the policies regarding protection for biodiversity and identified/designated sites. Policy DM16 of

Barnet's Development Management Policies Document DPD (2012) provides a similar protection.

The application site is not in a Site of Special Scientific Interest, nor is it in a Site of Importance for Nature Conservation.

The applicant has submitted a Preliminary Roost Assessment dated 26/01/2022, and subsequent to that a Bat Emergence and Re-entry Surveys by Arbtech Consulting, which confirmed a single common pipistrelle day roost.

The Councils ecologist has reviewed the submitted information and provided the following comments:

Bats

The submitted bat emergence and re-entry survey report (Arbtech Consulting, August 2022) contains sufficient detail on the single common pipistrelle day roost confirmed within the building and the required mitigation methods to accompany an application for a Natural England Bat Mitigation Class Licence (BMCL).

It is expected that the proposed installation of two purpose-built bat roost boxes pre-development and the working methods outlined within Table 5 of the submitted bat emergence and re-entry survey report (Arbtech Consulting, August 2022) will be sufficient to satisfy Natural England's requirements under Regulation 55 of the Habitats Regulations to permit the work to occur lawfully.

Birds

The Preliminary Roost Appraisal (Arbtech Consulting, February 2022) identified that the potential for the building to support nesting birds. Likewise, there is the potential that nesting birds may be present within the trees (T5, T12, T13) and scrub that are required to be removed to enable the works. Therefore, any clearance works will need to avoid the active nesting bird season (March 1st to August 31st inclusive).

The provision of the installation of a minimum of two bird boxes e.g. Schwegler No 17 Swift Nest Box, Schwegler 1SP Sparrow Terrace or a similar alternative within the Preliminary Roost Appraisal (Arbtech Consulting, February 2022) is welcome as such enhancement measures will provide ideal nesting opportunities for birds within the site.

Biodiversity Net Gain

The proposed demolition of existing building and construction of a three-storey building to accommodate a Beis Hamedrash and 1no. 4-bed family dwelling form part of the pre-existing development footprint. Therefore, a Biodiversity Net gain Assessment would be deemed disproportionate and is not required. It is expected that the provision of both species rich planting to compensate the loss of individual trees and hedges and the inclusion of species enhancement measures (nest boxes) will be sufficient to provide a net benefit to biodiversity.

Soft landscaping

The provision of wildflower meadow, proposed tree, native shrub and herbaceous planting is considered a positive improvement. It is advised that the proposed amenity grass consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An

example of a potential species rich seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30.

It is recommended that those trees proposed to be removed to enable the construction of the new building be compensated with the planting of berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Overall, the information submitted is considered sufficient to support the above application, alongside the attached informatives.

A condition will be attached to ensure that the recommendations set out in the Preliminary Roost Appraisal (Arbtech Consulting, February 2022) and the bat emergence and re-entry survey report (Arbtech Consulting, August 2022) are implemented.

Flooding and drainage:

Policy SI 13 of the London Plan 2021 sets out policies for sustainable drainage. Policy SI 12 of the London Plan 2021 sets out policies for flood risk management.

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) sets out policies in regard to flooding and run off.

The applicant site is located in a flood risk zone 1 (low risk).

Thames Water have been consulted throughout the lifetime of the application and raise no objection to the scheme, subject to the attached conditions and informative.

The applicant has submitted a Storm Water Drainage Strategy Report and Drainage Layout Drawings. Throughout the lifetime of the application, the Sustainable Urban Drainage Team have been consulted and requested various amendments to the submitted drawings and reports.

The revised documents have been reviewed and are now considered acceptable, with a condition attached to secure their implementation.

Security/safety including fire safety:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime. Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the national and London wide standards, which includes Secure by Design.

A Design out Crime Officer from the Metropolitan Police Service has assessed the application and entered into discussions with the applicant. The Met officers raised no in principle objections to the proposed scheme, however due but due to the reported issues

affecting the ward and overall crime levels within the borough, advised that the development achieves Secured by Design accreditation, prior to occupation.

A condition has thus been attached requiring details of how the scheme would achieve this as well as details of access control.

In terms of fire safety, Policy D12 of the London Plan (2021) requires major development to be accompanied by Fire Statement providing details of, inter alia; building construction methods, means of escape and access to fire services personnel.

A Fire Strategy (prepared by SWECO, dated 4th December 2021) has been submitted with the Application and provides further information to accompany fire strategy mark-up drawings.

The Fire Strategy confirms that, "It is possible to provide a fire appliance access route to each block with no more than 18m distance from the parking position to the fire main inlet point", whilst, "Building 1 requires a dry riser and access is provided for a fire appliance within 18m of the dry riser inlet". The Fire Strategy also confirms, "In order to satisfy Policy D12, SWECO Fire Engineering has been appointed to review the proposed design from early stages of the design and develop a robust fire safety strategy for each block. This is a continuous liaison with the design team and during construction. The principles of fire safety design for each block, guidance documents followed, and the proposed design approach included in the above sections. In order to satisfy Policy D5, the provisions for safe means of escape for the occupants have been provided".

The Proposed Development would therefore accord with London Plan Policy D12.

Accessibility and Sustainability

The applicant has submitted a Sustainability Statement and Energy Strategy, by AJ Consultants Ltd, dated November 2021, to provide supporting information alongside the application.

BREAAM:

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the national and London-wide standards, which includes BREEAM. Table 2.20 of Barnet's Sustainable Design and Construction SPD (2016) states that development proposals should achieve a minimum "Very Good" rating.

The Sustainability Statement comments that due to the limited size of the BHM building, it is not proposed that a formal BREEAM assessment is undertaken for the scheme.

Nonetheless, officers advise that the non-residential development is still required to meet the BREEAM 'Very Good' rating/level. A condition has been attached requiring certification of the relevant standard before first occupation of the non-residential development.

Carbon Emissions:

Policy SI 2 Minimising greenhouse gas emissions of the London Plan 2021 states:

- Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
 - be lean: use less energy and manage demand during operation
 - be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
 - be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
 - be seen: monitor, verify and report on energy performance.
- B. Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.
- C. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
 - through a cash in lieu contribution to the borough's carbon offset fund, or
 - off-site provided that an alternative proposal is identified, and delivery is certain.

DMP Policy DM04 'Environmental considerations for development' requires "all major development to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy".

The applicant has submitted an Energy Strategy Statement that states that demonstrates that the Development would achieve a 11.7% reduction in CO2 emissions over Part L of the 2013 Building Regulations through energy efficiency measures for the residential element and 19.3% for the commercial element.

The Proposed Development will also include air to water heat pumps for the residential elements to provide domestic hot water, air to air heat pumps are proposed for the non-residential elements of the scheme to provide space heating and comfort cooling, with photovoltaic panels at roof level to generate electricity for the site. The combined savings from each stage of the energy hierarchy would total 56.6% for the residential element of the proposal whilst the commercial would be at 60.7%.

In meeting the Zero Carbon Target, the development is therefore required to make an offsetting cash-in-lieu contribution for the shortfalls which is calculated as £20,434, for both the residential and non-residential elements based on a GLA recommend carbon price of £95 per tonne of CO2 over a 30-year period.

This has been attached as an obligation.

Water Savings:

For the residential element of the scheme, Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states that: "New dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day." This is reiterated in Policy SI 5 Water infrastructure of the London Plan 2021. A condition will be attached accordingly.

Accessibility:

In regard to accessibility, Policy D7 Accessible housing of the London Plan 2021 states that:

- To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:
- at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

The agent has advised that all residential the units (5 flats and Rabbis House) have been designed to meet regulations M4(2), whilst unit 01 (ground floor flat) has been designed to meet regulation M4(3). It is considered that the proposed scheme would be in compliance with the relevant policy, and a condition will be attached to secure this accordingly.

Refuse and Recycling:

The application has been considered acceptable by the Council's Recycling Waste and Street Cleaning Services. A condition will be imposed requiring the submission of further details in regard to the dimensions, scale, design and materials of the refuse store to ensure they have an acceptable impact to the front elevation streetscene.

Environmental Health:

In support of the application, the applicant has submitted an Activities Management Plan (Revised Jan 2022) Construction Management Plan by Montway Ltd, Air Quality Assessment by Tetra Tech Ref: 784-B030641, dated 1st November 2021, and an Environmental Noise Survey and Acoustic Design Statement Report Ref: 28044/ADS1 Rev4 dated 10th February 2022.

The application has been assessed by an Environmental Health officer and they have raised no objections in principle subject to conditions.

The Activities Management Plan, alongside the Transport Statement, and Faith Travel Plan, in tandem with the aforementioned Noise Survey, addresses the main impact of the proposed development, which are considered to be the noise and increased comings and goings emanating from activities at the BHM, as well as management strategies to ensure the mitigation of these potential issues.

The applicant has indicated that the proposed F1 use will differ from a traditional synagogue use in that it will predominantly serve as a religious meeting and study rooms and would not host large gatherings and religious ceremonies.

The BHM has a defined activities schedule during a typical week which consists of predominantly educational activities, whilst due to the nature of the facility, activities and events also change throughout the year depending on the season, needs and requirements of the community and members of the TY community. The AMP states that "records demonstrate that during a typical week between Sunday - Friday morning, the number of attendees at educational activities and services ranges between 5 and 40

people. On a typical Friday evening service, the number of people at the BHM would increase to 80 attendees for the 1.5-hour service. A further service with the same number of attendees is also held on Saturday mornings at 09.00am. Over the rest of Saturday further services and educational activities are held throughout the day with attendees ranging from 10-50. During the regularly scheduled activities and services there is no tradition of using amplified music."

The AMP provides a range of physical and operational noise control measures including details on security (which prevents attendees loitering outside the venue), a Neighbour Liaison Warden. Additionally, it is prudent to note that during the busiest times (Friday evenings and Saturdays) motorised transport and amplified music is forbidden by Jewish law, so noise and vehicle traffic would also be minimal.

Following review by Environmental Health and planning officers, a condition will be attached restricting the maximum occupancy level of the BHM to 80 persons, except for specified festivals where the occupancy level will be increased to 100.

As noted in the AMP, during the regularly scheduled activities and services there is no tradition of using amplified music. A condition has been agreed restricting the use of amplified music or sound, with the exception of specified day which will restrict amplified music after 11pm.

The proposal does not include the provision of a specified community or function hall, negating any concerns of large-scale events. A condition ensuring that the BHM shall not be used for the purposes of banqueting, wedding receptions or parties, will be attached to secure this.

Overall, based on the submitted documents, Environmental Health and officers are satisfied that noise and activity level will be controlled appropriately, subject to the recommended conditions.

Conditions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

5.4 Response to Public Consultation

A number of letters of support, objection and comment were received in response to the application. These have been considered and addressed, where possible, through the Officer assessment that forms the main body of this report.

Further to the initial consultation and petition document, the applicant submitted an official response, dated 24/05/2022, ref: 14719, which was reviewed and considered by officers.

The petition received objecting to the proposal was signed predominantly by residents of Saffron Close and Hendon Park Row.

A number of the objections focused on the increase in traffic and access to the development, which have largely been addressed through the Highway Authority's comments, recommended conditions and legal obligations, though will be reiterated below.

- Access from Hendon Park Row (Saffron Close) is proposed for pedestrians and cyclists only with no vehicular access. Furthermore, access from Hendon Park will serve the 5 flats in the rear residential block only. All access to the proposed Beis Hamedrash is from Leaside Crescent. The Proposed Development will also include improvements to the fencing and pavement adjacent to the Site.
- Parking on Saffron Close: As discussed in above, Highways consider a car free development acceptable in this location, subject to conditions and legal obligations
- Questions over whether it is necessary for a charity/community to provide residential units: This is not a relevant material planning consideration. The principle of providing residential accommodation at this site has been addressed within the report and found to be acceptable.
- Loss of light/overshadowing: this has been addressed within the body of the report. A full Daylight, Sunlight and Overshadowing Report has been undertaken and it is considered that the proposed development would not result in any significant harmful impact on the neighbouring residential blocks in Saffron Close.
- Comments regarding the behaviour of occupants of 1117 Finchley Road are not strictly a material planning consideration relevant to this assessment. The applicant has pointed out that the building is occupied by several other tenants as well and the complaints appear to be addressed to other occupiers.
- In response to comments regarding the noise, disturbance and the operational activities of the site, officers have assessed these matters within the body of the report and consider the proposed AMP to be acceptable in principle. A number of conditions have been attached to control occupancy levels, hours of operation, noise amplification and use of the site, and it is considered that noise and activity level will be controlled appropriately, subject to the recommended conditions.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and obligations to be secured by Section 106, the proposed development is considered to be acceptable and is therefore recommended for approval.