

MEETING

STRATEGIC PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 19TH APRIL, 2023

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF STRATEGIC PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Nigel Young
Vice Chairman: Councillor Tim Roberts

Councillors

Claire Farrier	Ammar Naqvi	Richard Cornelius
Richard Barnes	Eva Greenspan	
Nagus Narenthira	Val Duschinsky	

Substitute Members

Gill Sargeant	Arjun Mittra	Tony Vourou
Danny Rich	Nick Mearing-Smith	Peter Zinkin

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

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Friday 14 April 2023 at 10AM. Requests must be submitted to StrategicPlanning.Committee@Barnet.gov.uk

Andrew Charlwood – Head of Governance

ASSURANCE GROUP

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

Governance Service contact: StrategicPlanning.Committee@barnet.gov.uk
Media Relations contact: Tristan Garrick 020 8359 2454

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	To Follow
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and other interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Market Place Playground Market Place London N2 - 22/5903/FUL (East Finchley)	5 - 24
7.	Westhorpe Gardens And Mills Grove London NW4 2TU - 22/3125/S73 (Hendon)	25 - 58
8.	Any item(s) that the Chairman decides are urgent	

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Location **Market Place Playground Market Place London N2**

Reference: **22/5903/FUL** Received: 12th December 2022
Accepted: 30th December 2022

Ward: East Finchley Expiry 31st March 2023

AGENDA ITEM 6

Case Officer: **Zakera Matin**

Applicant: Ms Kathy Batten

Proposal: Refurbishment of existing playground, including; Removal of existing play equipment and installation of replacement play equipment; Installation of one small child-activated drinking fountain; Removal of all existing hard standing and existing site boundary treatments; Removal of four trees; Construction of new path surfaces; Installation of new boundary fencing and railings; Creation of planting areas with new trees and shrubs

OFFICER'S RECOMMENDATION

Approve subject to conditions

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)

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

Site Location Plan
Land Survey(922103L)
General Arrangement (305.L.02A Rev -01)
Photographs of Play Equipment (305 V1 December 2022)
Planting Plan (305.L.05 Rev -01)
Design and Access Statement
Biodiversity Net Gain Report (March 2023)

Preliminary Ecological Appraisal (700106291)
Arboricultural Impact Assessment Method Statement & Tree Protection Plan
(BS.58372012)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the pedestrian paths, 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

- 4 a) No development works other than demolition works shall take place until further 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).

- 5 a) Hard and soft landscaping, including existing trees to be retained and planting plan, shall be implemented as per approved Planting Plan (305.L.05 Rev- 01), General Arrangement (305.L.02A Rev -01).
- 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 completion of the development 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 the London Plan 2021.

- 6 a) The development shall be implemented in accordance with the approved Arboricultural Impact Assessment Method Statement & Tree Protection Plan(BS.58372012).
- 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 the London Plan 2021.

- 7 Prior to the commencement of works of the hereafter approved scheme, a detailed Biodiversity Net Gain Plan, including all habitat enhancement, creation and management, and monitoring for all habitats outlined within the approved Biodiversity Net Gain Report (WPS, March 2023) for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority.

a. The Biodiversity Net Gain Plan shall include details of long-term design objectives, management responsibilities, maintenance schedules, replacement

planting provisions for approved plantings, and any new soft landscaping and habitats to be planted as part of the approved Biodiversity Net Gain Report (WPS, March 2023)

b. This management plan will ensure compliance with the approved Biodiversity Net Gain of +0.27 area-based habitat units and +0.20 hedgerow units for the approved scheme.

c. Details of prescription monitoring of the habitats created and managed under the approved Biodiversity Net Gain works, the timeframe for monitoring, the responsible party, and the submission of the details on the condition of habitats to the LPA.

d. If during the monitoring of the habitat any are found to be in deteriorating condition, then their expected state at the time of the assessment then any necessary remedial actions will need to be undertaken.

e. The approved Biodiversity Net Gain Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To enhance the biodiversity of the site in accordance with section 197 of the Town and Country Planning Act 1990, policies CS5 and CS7 of the Adopted Local Plan Core Strategy (2012), policies DM01 & DM16 of the Adopted Development Management Policies DPD (2012), policies G5, G6 & G7 of the London Plan and the Environment Act 2021.

- 8 The approved works shall hereafter be carried out in accordance with Section 4.6 the Precautionary Working Method of Working (Preliminary Ecological Appraisal, WPS, February 2023) in their entirety. If in the unlikely event that protected or notable species are again found on site, they should be left to disperse of their own accord. Any that need assistance should be gently placed in a clean bucket and moved on to a safe location away from the development.

Reason: To safeguard protected species and nature conservation in accordance with policies CS5 and CS7 of the Adopted Local Plan Core Strategy (2012), policy DM16 of the Adopted Development Management Policies DPD (2012), policy G6 of the London Plan.

- 9 Prior to completion of soft landscaping works the following ecological enhancement measures shall be installed:
- a) 2 x Woodcrete bird nest box (or similar alternative) shall be installed onto retained mature trees (as appropriate),
 - b) 2 x purpose-built insect hotels shall be installed within the grounds of the site.

These features shall be installed in line with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority.

Reason: To safeguard protected species and nature conservation in accordance with policies CS5 and CS7 of the Adopted Local Plan Core Strategy (2012), policy DM16 of the Adopted Development Management Policies DPD (2012), policy G6 of

the London Plan.

- 10 Prior to the installation of any lighting on the site, details of a Sensitive Lighting Strategy shall be submitted and approved by the local planning authority. Any artificial lighting scheme; including lighting relating to works during the operational phase, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. 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 safeguard protected species and nature conservation in accordance with policies DM01 and DM16 of the Barnet Local Plan, policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) Policy G5, G6 & G7 of the London Plan and the Environment Act 2021.

- 11 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.

- 12 a) The play equipment shall be installed as shown on the drawings no. General Arrangement (305.L.02A Rev -01) and Photographs of Equipments (Ref:305 V1 December 2022) hereby approved.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), and the London Plan 2021.

- 13 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 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.

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.

- 14 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.

- 15 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of cotoneaster on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To help prevent the spread of the invasive species identified on site in accordance with policies DM04 and DM16 of the Development Management Policies DPD (Adopted) September 2012.

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. 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 Bats and their confirmed roost are protected for damage or disturbance under the Section 41 Conservation of Habitats and Species Regulation 2017 and Section 5 of Wildlife and Countryside Act 1981 (as amended). Therefore, if the horse chestnut tree considered to possess moderate suitability for roosting bats is to be impacted by the proposed development, the tree will need to be subject to an aerial inspection by a suitably licenced ecologist, which can occur at any time of the year. Additional emergence / re-entry nocturnal survey may need to be undertaken.
- 3 It is advised that the above cotoneaster be removed by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) <https://www.property-care.org/> or the Invasive Non-Native Specialist Association View Our Members - INNSA. Any invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of "controlled waste" under the Environment Protection Act 1990 (EPA 1990)

- 4 There is a risk that nesting birds maybe negatively impact by the proposed demolition works should the works commence during the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 5 The applicant is advised to contact Hendon and District Archaeological Society if any finds of possible historic interest are discovered during the implementation of the development. The society would like to visit the site to advise if this is the case.

OFFICER'S ASSESSMENT

This application is referred to planning committee due to Council ownership.

1. Site Description

The site relates to the existing playground located on the north east of Market Place in East Finchley.

The Playground runs north to south and its boundary is marked on the northern side by Oakridge Drive and Park Road to the east.

The playground is surrounded by residential blocks of flats to the west and east, with terraced dwellings to the north east and north.

The playground currently benefits from children's playing equipment and hard surfacing to the north side. There is grassed area and mature trees on the south side. It is sited on a higher ground level than the surrounding roads. There is a low height brick wall, hedges, and railings along the boundary.

The site is not located in a conservation area and there are no listed building abutting the site.

2. Site History

N/A

3. Proposal

Refurbishment of existing playground, including; Removal of existing play equipment and installation of replacement play equipment; Installation of one small child-activated drinking fountain; Removal of all existing hard standing and existing site boundary treatments;

Removal of four trees; Construction of new path surfaces; Installation of new boundary fencing and railings; Creation of planting areas with new trees and shrubs.

4. Public Consultation

Consultation letters were sent to 360 neighbouring properties.

108 responses have been received, comprising 4 letters of objection, 100 letters of support.

East Finchley councillors fully supported this application for refurbishment of the playground. If officers recommend refusal of this application, East Finchley councillors requested that it is called in for decision by a planning committee.

Comments received in support as below:

- Fully support a long awaited refurbishment of a derelict public space
- This refurbishing plan looks fantastic, providing a greener space and better playing conditions for children and their caregivers, it will be much appreciated by the whole community.
- It will support the health and wellbeing of children
- This proposal is the result of a great amount of work by dedicated volunteers from the local community and it would significantly improve the area
- The proposal has been carefully thought through including various consultations with the local community
- This seems to be an excellent plan to update and enhance the recreation provision in the area
- The current playground is very run down and this proposal will significantly improve that providing a great resource for local children
- The scheme presents a compelling concept and design. It will provide an excellent addition to the public realm as well as providing public health and community benefits
- It is now very run down. The children deserve a play area that is clean, imaginative and safe. The proposals seem to promise this as well as a revitalised green oasis amongst the surrounding buildings.
- It is an imaginative and exciting initiative, brilliantly conceived and developed
- This project is brilliant. Improvement to this very drab area is long overdue. Children need space to play, explore and socialise and the projected playground will facilitate this, particularly for those children who live in the local tower blocks. The provision of seating and planting, particularly the number of trees, will provide a much needed green environment in an area with a busy through road. This project will also provide a safe social space for both adults and children.
- Lighting throughout also would extend play time in winter when it's dark by 3:30pm.

The objections received can be summarised as follows:

- Number of equipment is not enough
- Need Equipment specific to each age
- Layout does not offer direct line of vision from one end to the other end of the park
- Adjacent green space is currently a drug use area
- There are many hidden corners with sitting area might encourage antisocial behaviour
- It is a Playpark not a Park per se. and as such it should offer enjoyment, excitement and physical challenge using equipment to as many children in the community as possible.
- Lack of seating around each play area
- Please do not remove the beautiful mature trees. They provide much needed shelter in

hot weather, as experienced recently.

Hendon and District Archaeological Society - The site is at the heart of what was Finchley East End; there was one of the largest pig markets in the country. Pottery and other artefacts from the nineteenth century and earlier frequently turn up and what is proposed in this application (which the Society fully supports) is likely to find more. It would be desirable, therefore, for those undertaking the work to look out for and report anything they find of historic interest. The Society would happily visit the site during operations to look over anything that is found (it is unlikely, since the operations will be superficial, that there will be any structures). We ask for a condition requiring this to be attached to any approval granted, to put it on a secure footing.

5. Statutory Consultees

Green Spaces - The Greenspaces Team at Barnet Council have reviewed the proposals for Market Place Playground. Overall, it is supportive of the planning application and the aim of the project.

We have the following observations to make on the proposals:

- the Greenspaces Team is currently seeking quotes to repair and reinforce the retaining wall, which borders Park Road.
- in the design and construction of the playground, consideration should be given to the maintenance of the playground once it is installed. This applies to both the daily/weekly maintenance and the longer term maintenance. The Greenspaces Team have limited maintenance resources, so for example are not able to maintain sand within our current budgets. We are keen that robust equipment is installed from the start, that will last over ten years, and will withstand the urban environment, as we have very limited resources to replace any damaged equipment.

Environmental Health - No objection, subject to conditions

Trees - No objection, subject to conditions

Ecology - No objection, subject to conditions

Designing out crime team - No objection, comments included in the main report

Heritage- No objection

Highways - No objection

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 in July 2021. This

is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The 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. The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM15, DM16.

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 (2021)

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.

Green Infrastructure 2017

This document identifies that 'the provision of Green Infrastructure in and around urban areas contributes towards creating places where people want to live, work and invest; delivering benefits not only to the environment but also to the development of better places. Green infrastructure planning enables a co-ordinated and cross-sectorial approach to be taken across many different sectors. It can increase access to open spaces, contribute to urban cooling, allow greater appreciation of valued landscapes and support healthy living'.

Barnet Parks and Open Spaces Strategy (2016)

The strategy proposes that parks and open spaces can deliver a range of positive benefits for the borough and its residents in respect of economic, social and environmental outcomes. This strategy 'recognises that a clear vision is needed to deliver a whole range of benefits for people who live and work in the borough.' The benefits identified in this document include: - enhancing the physical and mental health of residents - making Barnet a better place to live, work, learn and play - joining communities together by creating new green links between different parts of the borough - preparing the borough for the impacts of climate change by controlling flooding, - reducing pollution and moderating temperatures - protecting and enhancing the borough's cultural and natural heritage.

The proposal complies with the aims of this strategy as it makes improvements to existing playground and green spaces and preserves and provides improved opportunities for play with the creation of an enhanced playground.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the area, the street scene and the wider locality;
- Whether harm would be caused to the ecology of the site;
- Whether harm would be caused to trees;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Impact on safety and security
- Impact on Highways and Pedestrian safety

5.3 Assessment of proposals

Principle of development

The supporting text to policy G4 of the London Plan 2021 states that proposals to enhance open spaces to provide a wider range of benefits for Londoners will be encouraged. Examples could include improved public access, inclusive design, recreation facilities, habitat creation, landscaping improvement or Sustainable Drainage Systems (SuDS).

This is reinforced by the supporting text to policy DM15 which says that people need a variety of open spaces close to where they live. Open space can provide the opportunity for relaxation, play, socialising and sporting activity which contributes to healthy lifestyles.

Policy S4 Play and informal recreation of London Plan (2021) states that, safe and stimulating play is essential for children and young people's mental and physical health. It further states that formal play provision should be free, well-designed, accessible, inclusive and stimulating, and should balance the need to be safe whilst also providing an element of risk, which is important for children's development. It goes on to mention that, play provision should be overlooked in some way to allow for a level of informal community supervision and generate a sense of safety and security. Integrating natural environments into play provision is encouraged, acknowledging the benefits to learning, and to help to support a green infrastructure network across the city. It recommends appropriate provision for different age groups, including older children and teenagers.

It states that, the needs of parents and carers should also be considered in the design of these spaces. Appropriate arrangements for management and maintenance of play and communal facilities should be provided.

The policy recommends incorporation of accessible routes for children and young people to existing play provision.

The applicant in the Design and Access statement mentions that, 'natural play' and focus on a 'landscape-led' concept has been utilised in the refurbishment of the existing playground. Play equipment and setting are considered mutually complimentary and enhance each other, and considered equally important in terms of the play value. The new playground would be a much greener space. The play equipment will form only one part of the play 'offer' as the landscape setting will also be playable, offering changes of level, scope for balancing, running and jumping, as well as hiding. This landscape-led approach will provide a far richer play environment than the standard approach. The refurbished playground will also function as a 'shared space' for people to sit and enjoy.

The layout incorporates four main zones, which are all connected by a wheelchair accessible path which winds its way through the site from north to south:

- The northern zone is a new open grassy space designed as a quieter area, with a relatively low level of activity, and the equipment will be limited to a few 'incidental' pieces accessed from the path.

- The central zone bordering Park Road will consist of sand play, for children of all ages. The sandy surface will provide its own fun along with the equipment which would include a 'building site' unit full of interactive elements, bespoke climbing timber, and an extra wide slide which can be used by a carer and child together.

- The central zone bordering the footpath will be a busier space with more activity of higher energy level. Swings will be located here alongside an informal mini performance area. A mounded space with trees and ground cover will create a 'secret' space with a trampoline inside.

- The southern zone is the existing grassy space, which would be kept as a quieter area, with seating, a playhouse and a bespoke timber entrance into the site.

The equipment will be of timber which has a strong tactile quality, and is warm and inviting to the touch and will be able to stand up to high levels of wear and tear. A drinking fountain is proposed so that children can use that at the site.

All play areas would cater for a wide range of ages and abilities, and this would include

opportunities for disabled children to play alongside, with no demarcation between equipment types.

The path will offer good access for wheelchair users and people with mobility issue as well as younger children. The entrances would be step free.

Policy GG3 Creating a healthy city of London Plan (2021) states that, "plan for improved access to and quality of green spaces, the provision of new green infrastructure, and spaces for play, recreation and sports." Access to green and open spaces, including waterways, can improve health, but access and quality varies widely across the city."

The proposed refurbishment of the existing playground seeks to introduce a variety of play equipment and facilities to serve the local community and improve the current facilities. The play equipment will cater for all ages. Integrating of natural environments into play provision would benefit the local community and would help to support a green infrastructure network across the city and would be policy compliant.

The proposal is considered to be in accordance with the aims of Local Plan and London Plan policies and will provide enhanced opportunities for the local community. Families living in surrounding block of flats and houses will benefit from the refurbished playground with improved green space and new play equipment and new landscaping which would contribute to the health and well being of the children of all ages and the local community.

Council's Green Space team has supported the proposal.

Therefore, the proposed development is considered to be acceptable in principle.

Impact on the character of the area

Policy D4 Delivering good design of London Plan (2021) states that, "The design quality of development should be retained through to completion."

Policy DM01 of Local Plan states that, "All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation."

The existing playground is sited to the north of site which includes play equipment and associated surfacing, which dates back many years and is in the need of refurbishment and replacement. The south side is grassed with mature trees along the boundary.

The refurbishment of the playground is considered to improve the appearance of the park and would contribute to the wider character of the area. The design has been evolved with consultation with the local community and taking into account of their requirements. Comments from the Metropolitan Police have been incorporated to amend the layout to make it more safe for the community.

The proposal has also been designed to take advantage of the ecological and biodiversity features of the site allowing users to interact and enjoy the more natural areas of the site, including the provision of seating. The proposal will allow for a quiet enjoyment of the open space away from the activity area. The proposal will provide new fencing and improved pedestrian path and entrance with guardrail to prevent children from running into the road.

New planting across the park and landscaping will further enhance the appearance of the

site. The proposal is considered to incorporate an appropriate mix of both new artificial features such as play equipment and natural landscaping to provide a well-designed area which caters for a variety of users.

Impact on ecology

Policy DM16 Biodiversity of the Barnet Local Plan (Development Management Policies 2012) states that: 'when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity; where development will affect a Site of Importance for Nature Conservation and/or species of importance the council will expect the proposal to meet the requirements of London Plan which states that 'When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply: 1. avoid adverse impact to the biodiversity interest 2. minimize impact and seek mitigation 3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

The applicant mentioned that the planting will focus on 'butterfly and bee-friendly' planting, for pollinators, and will include native species to increase the biodiversity value of the site. It will include new trees to provide extra shade throughout the whole playground.

Council's Ecologist was consulted on the proposal. The Ecologist assessed the submitted documents and commented that, the Preliminary Ecological Appraisal (WPS, February 2023) and the PEA report determined that there would be no negative impact to nesting birds and bats in a manner that cannot be reasonable mitigated against. The Biodiversity Net Gain Report (WPS, March 2023) shows that the proposed scheme will result in biodiversity net gain (+25.53%) within the borough.

Based on the submitted information, the ecology team are satisfied that, subject to conditions on Biodiversity Net Gain Plan (30 years), Precautionary Method of Working and Provision of Species Enhancement Measures, the proposal would not have a harmful impact on the ecology and biodiversity of the site.

Impact on trees

British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals.

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.

Councils Arboriculturist was consulted on the proposal who provided following comments,

Any proposed detailed planting and seeding measures will need to be carefully considered and designed based on the findings and recommendations of an approved Biodiversity Net Gain calculation and assessment. Dependent on the recommendations of the required Ecological Assessment (EA) proposed species rich grassland and verges could 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.

The loss of any trees and shrubs will need to be compensated with plantings of high biodiversity value and any proposed plantings should consist of berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam.

It is expected that provision of both species rich planting to compensate the loss of individual trees and shrubs, and the inclusion of species enhancement measures will be sufficient to provide a net benefit to biodiversity.

The applicant provided planting specification which is considered satisfactory. The proposal includes removal of a Chestnut tree. Councils Arboriculturist has no objection to the removal of the trees as the loss would be mitigated through provision of replacement new trees on the site.

The arboriculturist has no objection to the proposal.

Impact on surrounding residential amenities

With regards to the impact on neighbouring residential amenity it is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The playground is a long-standing area of open space that has been enjoyed by residents for many years. It is noted that existing play area is sited on the northern part and grassed area is sited on the south side of the site. Residential properties on the west are separated by a footpath and residential properties on the east are separated by Park Road. The play equipment would be sited in the northern part of the site as existing and not considered to generate any additional noise for the neighbouring residential occupiers.

The Councils Environmental Health team have reviewed the proposal and do not consider that the upgrade to the playground would lead to undue noise and disturbance to the surrounding residential occupiers that would be likely to result in a nuisance to residents. The officer recommended a condition requiring submission of a construction method statement. Subject to condition the proposal is considered not to have any detrimental impact on neighbouring amenities.

Security and safety

Policy D11 of London Plan states that, "Boroughs should work with their local Metropolitan Police Service 'Design Out Crime' officers and planning teams,----- for their area to support provision of necessary infrastructure to maintain a safe and secure environment and reduce the fear of crime."

Policy DM01 of Local Plan further states that, "Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime."

The playground is an existing public open space and accordingly the assessment of security and safety should be proportionate in the context of the replacement facilities being provided.

In consultation with the Metropolitan Police Designing Out Crime officer, the proposal has been amended to take account of their recommendation.

The Designing Out Crime officer mentioned regarding the original submission that, the foliage can create an area of potential concealment around benches, allowing a perpetrator to conceal/shield any illegitimate behaviour. The officer recommended that either the benches or the foliage is moved or reduced in depth to help to protect these benches from potential misuse. Subsequently the applicant in the amended plan moved the circled bench further away from the planting.

The Designing Out Crime officer further mentioned that, foliage such as shrubs and bushes should be no taller than 1m as anything taller can help to create areas of concealment and reduce levels of natural surveillance to other park users and nearby properties. Where trees are concerned, their canopies should be no lower than approximately 2.5m, as anything below this can obstruct lines of sight, natural surveillance and can obscure light sources. Upon receiving the comment the applicant amended the proposal by reducing the number of plants taller than 1m and taller plants are sensitively located to maximise visibility. The applicant specified selected standard trees with a clear stem of approximately 2m to allow a high level of visibility.

It is noted that the close proximity of residential properties and footpath is a very positive feature of this site and anti-social activity on the site would be discouraged by direct visibility of the site from the residential properties and the footpath.

In assessing the application, it has been determined that the proposals will have a number of physical and mental wellbeing benefits for the community. The proposal accords with the aims and objectives of the London Plan (2021) that recognises the importance of outdoor space for residents' wellbeing. Taking the benefits, the upgrade of the playground will bring into consideration and weighing it against the fear of increased crime, which is of course recognised, the proposal is considered to be acceptable.

Overall, in weighing up the planning balance, it is considered that significant public benefits resulting from the upgrade of the playground including improved play facilities; improved green area with planting and landscaping and seating facilities, careful consideration of the concerns has been made, any increased fear is outweighed by the overall benefits of the scheme and appropriate mitigation measures to limit the risk of crime. Measures have been incorporated into the scheme, as described above, to ensure that any fear of crime has been mitigated to an appropriate degree.

Highways and Pedestrian Safety

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Councils Highway officer was consulted on the proposal. Highway officers requested that

the internal paths to be minimum of 2m wide. The applicant subsequently amended the path to 2m wide near the entrances and informed that wider path along the entire length of the park will appear disproportionate compared to the width of the site.

Highway officers requested that cycle parking at the entrance to be moved further away to reduce potential risks between pedestrians and cyclists. The applicant subsequently amended the layout by widening the section of the path near entrance to reduce conflict with pedestrians.

The officer requested a construction method statement, which is addressed by attached condition.

Subject to the condition the proposal is considered not to have any detrimental impact on Highway and Pedestrian safety.

Summary of assessment

In assessing the application the proposal has been considered against adopted policies and the key benefits of the proposal such as renovation of existing playground which is dated and provision of new and improved play facilities, provision of accessible path through the playground and provision of play and recreation opportunities in an improved landscaped environment.

The concerns from few residents regarding the numbers and types of equipment provided, have been carefully considered and it is noted that the concept of 'natural play' and focus on a 'landscape-led' concept has been utilized in the layout and the renovated playground would not only provide play equipment but the natural setting and landscape would also be part of play provision, as London Plan (2021) encourages integrating of natural environments into play provision.

The concerns regarding potential increase in crime and anti-social behaviour have been carefully considered and through discussion with the designing out crime officer the vulnerability has been mitigated with the provision of effective planting.

Officers worked with the Police to agree mitigations that will help to discourage anti-social behaviour whilst at the same time not detrimentally impacting on the improvements proposed.

The proposals will comply with the London Plan 2021, the scheme is noted to create improved opportunities for play and recreation to the betterment of physical and mental health of the community. On this basis approval is recommended.

5.4 Response to Public Consultation

The renovated playground would not only provide play equipment, but the natural setting and landscape would also be part of play provision.

In consultation with the designing out crime officer the proposal is considered to mitigate any increased risk of crime or anti-social behaviour. It is also considered that on balance the public benefit of enhanced facilities outweighs any perception and increased fear of crime.

The trees team have reviewed the submitted information and consider the proposals to be

satisfactory and appropriate. Loss of 4 trees would be mitigated by replacement with new trees on site.

In relation to archaeology, the site is not in an area of Special Archaeological Interest, although it is close to one. An informative is suggested to advise those working on site to notify the society if any potential finds are located.

6. Equality and Diversity Issues

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

D5 of London Plan states that,

Development proposal should achieve the highest standards of accessible and inclusive design. They should:

- 1) be designed taking into account London's diverse population
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
- 4) be able to be entered, used and exited safely, easily and with dignity for all

Policy D3 of Local Plan further states that, "Development proposals should meet the highest standards of accessible and inclusive design."

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. The proposal is considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all. Including the provision of new entrance points to improve connectivity across the site. The entrances and paths to the playground have been designed considering the need to provide safe and convenient pathways for those using mobility aids and pushchairs and those with limited mobility.

All play areas would cater for a wide range of ages and abilities, and this would include opportunities for disabled children to play alongside, with no demarcation between equipment types.

The proposal has a range of opportunities for the enjoyment of the space, including enjoyment of the natural landscape and opportunities for play, recreation, socialising. Overall, the proposal is considered to provide a safe and inclusive environment for all users.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



Location **Westthorpe Gardens And Mills Grove London NW4 2TU**

Reference: **22/3125/S73** Received: 13th June 2022
Accepted: 17th June 2022

Ward: Hendon Expiry 16th September 2022

AGENDA ITEM 7

Case Officer: **Erica Mason**

Applicant: c/o Agent Metropolitan Thames Valley Housing

Proposal: Variation of condition 1 (Approved Plans) of planning permission reference 18/7495/FUL dated 01/09/2020 for 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westthorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.'
Variation to include amendment to the tenure and occupancy for Block 1.1, 1.2 and 1.3
(AMENDED TENURE SITE PLAN, PLANNING STATEMENT AND ACCOMMODATION SCHEDULE)

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)

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

Plans / Documents submitted with current application reference 22/3125/S73:

Tenure Site Plan - WTG-IWD-XX-XX-DR-A-S73151 Rev P3 (16 June 2022)
Occupancy site plan WTG-IWD-XX-XX-DR-A-S73152 Rev P1 (June 2022)
SO Review of Proposed Tenure Switch (May 2022)
Rapleys LLP Covering Letter (22 June 2022)
Updated Accommodation Schedule (16 June 2022)
RPS Consulting Services Ltd. Transport Technical Note (06 July 2022)

Plans / Documents submitted with approved application reference 18/7495/FUL:

P4926_1100 (Planning - Existing Site)
P4926_1101 (Planning - Red Line Boundary)
P4926_1102 C (Planning - Proposed Site Plan)
P4926_1103 A (Planning - Occupancy Site Plan)
P4926_1104 A (Planning - Tenure Site Plan)
P4926_1105 B (Planning - Roof Site Plan)
P4926_1106 C (Planning - Site Transport Strategy)
P4926_1107 A (Planning - Site Refuse and Recycling Strategy)
P4926_1108 A (Planning - Site Fire Strategy)
P4926_1115 (Planning - Coordinating Site Plan)

P4926_1200 B (Planning - RL GF Plan)
P4926_1201 B (Planning - RL F1 Plan)
P4926_1202 B (Planning - RL F2 Plan)
P4926_1203 B (Planning - RL F3 Plan)
P4926_1204 B (Planning - RL F4 Plan)
P4926_1205 B (Planning - RL F5-6 Plan)
P4926_1206 B (Planning - Building 2 Floor Plans)
P4926_1207 B (Planning - Building 3 Floor Plans)
P4926_1208 B (Planning - Building 4 Floor Plans)
P4926_1209 B (Planning - Building 5 Floor Plans)
P4926_1210 B (Planning - Building 6 Floor Plans)
P4926_1211 B (Planning - Building 7 Floor Plans)
P4926_1212 B (Planning - Building 8 Floor Plans)
P4926_1213 B (Planning - Houses 9 (H1 3B5P))
P4926_1214 B (Planning - Houses 10 (H2 4B6P))

P4926_1240 (Planning - RL Basement Plan)
P4926_1241 A (Planning - RL Sections)
P4926_1250 (RL Unit Layouts)
P4926_1251 A (Typical Apartment Layouts - 1B2P)
P4926_1252 (Typical Apartment Layouts - 2B3P)
P4926_1253 (Typical Apartment Layouts)
P4926_1254 A (Planning - Typical House Layouts - 3B5P)
P4926_1255 A (Planning - Typical House Layouts - 4B6P)
P4926_1256 A (Planning - Typical House Layout - 4B6P Cat.3)
P4926_1257 (RL Unit Types Cat.3)
P4926_1350 (Planning - Site Elevation and Sections)
P4926_1450 B (Planning - RL Elevations 1)
P4926_1451 B (Planning - RL Elevations 2)
P4926_1452 B (Planning - Building 2 Elevations)
P4926_1453 B (Planning - Building 3 Elevations)
P4926_1454 B (Planning - Building 4 Elevations)
P4926_1455 B (Planning - Building 5 Elevations)
P4926_1256 B (Planning - Building 6 Elevations)

P4926_1457 B (Planning - Building 7 Elevations)
P4926_1458 B (Planning - Building 8 Elevations)
P4926_1459 B (Planning - Houses 9 Elevations)
P4926_1460 A (Planning - Houses 10 Elevations)
P4926_1471 (Planning - Strip Elevations (Retirement Living))
P4926_1472 (Planning - Strip Elevations (Buildings 2-8))
P4926_1273 (Planning - Strip Elevations (Houses))

17080-TLP-PA01 (Landscape Masterplan)
17080-TLP-PA02 (Landscape Layout)
17080-TLP-PA03 (Landscape Layout with topo underlay)
17080-TLP-PA04 (Hard Landscape Material Palette)
B17080-TLP-601 (Tree Survey)
B17080-TLP-602 (Arboricultural Impact Assessment and Arboricultural Impact Assessment)

Air Quality Assessment
Affordable Housing Statement
Bat Survey Report
Construction Logistics Plan
Daylight and Sunlight Report
Delivery and Servicing Plan
Design and Access Statement
Design and Access Statement Addendum
Energy Strategy
Essentials Utility Search Report
Explosive Ordnance Desktop Threat Assessment
Fire Safety Strategy Report
Flood Risk Assessment & Drainage Strategy
Framework Residential Travel Plan
Heritage Statement
Historic Environment Assessment
Landscape Design Statement
Landscape Design Statement Addendum
Phase 1 Desk Study Report
Phase 2 Ground Investigation Report
Planning Statement
Preliminary Ecological Appraisal Report
Preliminary Unexploded Ordnance Risk Assessment
Noise Impact Assessment
Overheating Assessment
Refuse and Recycling Strategy
Statement of Community Involvement
Townscape and Visual Impact Assessment
Transport Addendum Note
Transport Assessment
Tree Survey, Arboricultural Impact Assessment and Method Statement
Verified Photomontages: Methodology and Supporting Evidence

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan

Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the 01 September 2020.

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

- 3 a) 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 shall be as the details approved in writing by the Local Planning Authority under reference 20/6192/CON dated 22 February 2021.

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.

- 4 a) Materials to be used for the development shall be as approved in writing by the Local Planning Authority under reference 21/2209/CON dated 01 June 2021.

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.

- 5 The enabling works including stopping up of any required public highway and footpaths enabling development phasing as specified within the Phasing Strategy setting out the delivery of the phases across the whole site, shall be as approved in writing by the Local Planning Authority, under reference 20/5815/CON dated 28 January 2021.

Reason: In the interests of existing and future occupiers and highways safety in accordance with Policy D2 of The London Plan (2021).

- 6 a) The development or site works shall be implemented in accordance with the approved 'Demolition and Construction Management and Logistics Plan' approved in writing by the Local Planning Authority under reference 20/5815/CON dated 28

January 2021.

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.

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.

- 7 The Ground Works and Site Preparation Works, shall commence within a Development Phase as per the Construction Environmental Management Plan which sets out the construction and environmental management measures associated with that Development Phase, approved in writing by the Local Planning Authority under reference 20/5815/CON dated 28 January 2021.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highway and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies D14, G7, SI 1, SI 2, SI 7, SI 8 and SI 10 of the London Plan 2021.

- 8 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interests of good air quality with regard to Policy SI 1 of The London Plan (2021).

- 9 The details of cycle parking / storage shall be as approved under application

reference 22/3778/CON dated 01 December 2022.

Thereafter, before the development hereby permitted is occupied, cycle parking spaces 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of The London Plan 2021.

- 10 a) The details of the Electric Vehicle Charging facilities to be installed in the development shall be as shall be as approved under application reference 22/3778/CON dated 01 December 2022.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

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 T6 of the London Plan 2021.

- 11 The disabled parking spaces shall be provided as approved under application reference 22/3778/CON dated 01 December 2022 and be clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose. The provision of such spaces shall be carried out in accordance with the needs level of each completed phase or block.

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 T6 of The London Plan 2021.

- 12 a) The details of interim parking arrangements serving the relevant block shall be as approved under application reference 20/6192/CON dated 22 February 2021.

b) By full completion of the approved development, the parking spaces 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 parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T6 of the London Plan 2021.

13 a) Prior to the occupation of any phase or block, the interim Delivery and Service Plan (DSP) / Full Delivery and Servicing Plan (DSP) shall be implemented as approved by the Local Planning Authority under reference 22/4145/CON dated 25 October 2022.

b) The development thereafter shall only be operated in accordance with the above approved Delivery Plans.

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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T4 of the London Plan 2021.

14 Prior to the occupation of each phase or block, the refuse and recycling collection strategy shall be implemented as approved by the Local Planning Authority under reference 22/4145/CON dated 25 October 2022.

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

15 Prior to the practical completion of the entire approved development, a Car Park Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason: To ensure that parking is provided and managed at the development in the interests of highway safety and the free flow of traffic in the area and in accordance with policies CS9, DM17 of the Barnet Local Plan and policy T6 of the London Plan 2021.

16 Private parking provision for residential units shall be used for the purpose of residential parking and servicing only.

Reason: to ensure the development meets the needs of its future occupiers and to comply with the requirements of policies T6 of the London Plan 2021.

17 No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out as approved under reference 22/3778/CON dated 01 December 2022, in relation to Phase 1.

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 in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, policy DM17 of Development Management Policies (Adopted) September 2012 and policy T6 of the London Plan 2021.

18 a) The Air Quality Assessment details as approved under reference 20/6192/CON dated 22 February 2021, shall be implemented.

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan 2021.

19 The details of all extraction and ventilation equipment relating to the proposed air source heat pumps to be installed as part of the development shall be as approved under reference 21/0240/CON dated 18 June 2021.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policy CS14 of the Local Plan Core Strategy (adopted September 2012) and Policy SI 1 London Plan 2021.

20 The mitigation measures set out in the Noise Impact Assessment by Cas Allen dated 16th November as approved under this condition shall be implemented in their entirety prior to the first commencement or first occupation of each phase or block and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy D14 of the London Plan 2021.

21 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 Policy D14 of the London Plan 2021.

22 a) The mitigation measures detailed within the Noise Report shall be implemented as approved under reference 21/0240/CON dated 18 June 2021.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy D14 of the London Plan 2021.

23 a) Prior to the first commencement of the community kitchen, a detailed assessment for any kitchen extraction units, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012), Policy CS14 of the Local Plan Core Strategy (adopted 2012) and D1 of the London Plan 2021.

24 The Method Statement detailing the remediation requirements shall be as approved under references 20/6192/CON dated 22 February 2021 and reference 22/5325/CON dated 02 December 2022 shall be as approved by the Local Planning Authority under application reference dated and shall be implemented before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS

NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SD 1 of the London Plan 2021.

- 25 The details of the boilers shall be as approved by the Local Planning Authority under reference 20/6192/CON dated 22 February 2021.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction(adopted October 2016) and Policy SI 1 of the London Plan 2021 in relation to air quality.

- 26 a) The site works shall be implemented in accordance with the Bat Mitigation Method Statement approved by the Local Planning Authority under reference 21/2774/CON dated 14 July 2021.

b) The site demolition, construction and maintenance of the proposed development shall strictly adhere to the bat mitigation actions that are to be implemented on the site.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan 2021.

- 27 The development shall proceed and be carried out in strict accordance with the findings and recommendation of the Preliminary Ecological Appraisal Report submitted in support of the application (Greengage Environmental Ltd, November 2018) and the details of ecological enhancements contained within shall be incorporated into the finished scheme.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan 2021.

- 28 a) Prior to the occupation of each relevant phase or block, the scheme of hard and soft landscaping as approved by the Local Planning Authority under reference : 22/3783/CON dated 01 December 2022, shall be implemented.

b) The approved landscaping scheme should be implemented no later than 3-months post practical completion of the entire development.

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 Policy G5 and G7 of the London Plan 2021.

- 29 a) The details of the location, extent and depth of all excavations for services in relation to trees on and adjacent to the site, shall be implemented as approved by the Local Planning Authority, as submitted under reference 21/0240/CON dated 18 June 2021.
- b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 30 a) Each phase or block shall adhere to the approved dimensioned Tree Protection Plan and 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) as approved in writing by the Local Planning Authority under reference 20/5816/CON dated 02 March 2021.
- b) Prior to the commencement of each phase or block, 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 G7 of the London Plan 2021.

- 31 a) The detailed tree felling / pruning specification shall be implemented as approved in writing by the Local Planning Authority under reference 20/5816/CON dated 02 March 2021.
- b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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 G7 of The London Plan 2021.

32 a) Prior to the first occupation of the relevant phase or block, the green roof should be implemented in accordance with details as approved by the Local Planning Authority under reference 22/3783/CON dated 01 December 2022.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

33 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 30 shall be implemented in accordance with the details as approved by the Local Planning Authority under reference 22/3783/CON dated 01 December 2022. This condition is discharged in relation to phase 1 of the development.

This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure all specified on site monitoring and tree protection measures are adhered to in accordance with Policy G7 of the London Plan 2021.

34 a) The scheme detailing all play equipment to be installed in the communal amenity space should be implemented as approved by the Local Planning Authority under reference 22/3783/CON dated 01 December 2022.

b) The approved play equipment should be implemented no later than 3-months post practical completion of the entire development.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016), the Planning Obligations SPD (adopted April 2016) and Policies D3 and GG3 of the London Plan 2021.

35 a) The details of the means of enclosure, including boundary treatments, shall be implemented as approved by the Local Planning Authority under reference 22/3783/CON dated 01 December 2022.

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

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

36 Prior to the practical completion of the entire development, the Landscape Management Plan approved by the Local Planning Authority under reference 22/4145/CON dated 25 October 2022, shall be implemented.

The development shall be implemented in accordance with the agreed details and maintained in accordance thereafter.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and Policy G7 of the London Plan 2021.

37 Prior to occupation, the details in relation to water network upgrades and the housing and infrastructure phasing plan for Thames Water, as approved by the Local Planning Authority under reference 22/5192/CON dated 30 November 2022, shall be implemented.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

38 a) The surface water drainage scheme shall be implemented in accordance with details approved by the Local Planning Authority under reference 21/0240/CON dated 18 June 2021.

b) The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

39 a) Prior to the practical completion of the entire development, the External Lighting Assessment as approved by the Local Planning Authority shall be implemented as submitted under reference 22/3783/CON dated 01 December 2022.

b) Any identified light pollution mitigation should be implemented no later than 3-months post practical completion of the entire development.

Reason: To ensure the development provides adequate amenities of neighbouring residential properties as well as the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan 2012.

40 Prior to the first occupation, the Solar Photovoltaic panels as approved by the Local Planning Authority shall be implemented as submitted under reference 22/3783/CON dated 01 December 2022, shall be installed.

Reason: to ensure that the development is sustainable and complies with the requirements of Policies SI 2 and SI 3 of the London Plan 2021.

41 a) Before the occupation of each phase or block, the details of the privacy screens approved by the Local Planning Authority under reference 22/4145/CON dated 25 October 2022, shall be implemented.

b) The screens shall be retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

42 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) within each block 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 above mentioned 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 the Mayors Housing SPG and Policy D7 of the London Plan 2021.

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

- 44 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved within each block, 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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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) and Policy SI 5 of the London Plan 2021 and the 2016 Mayors Housing SPG.

- 45 The community cafe use hereby permitted shall not be open to members of the public before 07:00 or after 21:00 on weekdays and Saturdays or before 10:00 or after 19:00 on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy D3 of the London Plan 2021.

- 47 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies CS5 and DM01 of the Local Plan.

- 48 Prior to the first occupation of each phase or block consented under this planning permission, the details in relation to security and crime prevention measures as approved by the Local Planning Authority, under reference 22/4145/CON dated

October 2022, shall be implemented.

Reason: To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and Policy D11 of the London Plan 2021.

- 49 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) and Policy D3 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by

telephoning 0208 359 4500.

- 5 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 does not 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>

- 6 The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

- 7 The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you are 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>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- 8 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
- Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not

already listed in the above list.

- 9 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."

- 10 The Applicant is reminded that a European Protected Species Mitigation (EPSM) license obtained from Natural England, will have to be in place to facilitate works, even if undertaken under a low impact license.

The ecological enhancements contained within the Preliminary Ecological Appraisal Report (Greengage Environmental Ltd, November 2018) approved under application 18/7495/FUL -including bat boxes - are required by Condition 27, to be incorporated into the finished scheme. Those bat boxes shall be installed in accordance with the details discharged in the Bat Mitigation Method Statement (produced by Greengage; dated March 2021), approved for Condition 26, reference 21/2774/CON dated 14 July 2021.

OFFICER'S ASSESSMENT

1. Site Description

The host site comprises of the Westhorpe Gardens and Mills Grove Estate, located off Tenterden Grove, within the ward of Hendon. The estate consists of 102no. residential dwellings across 6 x 3 storey blocks of flats and rows of traditional 2 storey terraced houses. There is forecourt parking, 38 garages and areas of un-used undercroft parking below the existing flat blocks. Existing vehicular access to the site is from Tenterden Grove, with separate accesses for Westhorpe Gardens and Mills Grove. The above was largely implemented following planning approval reference 18/7495/FUL dated 01 September 2020 is largely being completed.

The surrounding area is characterised by suburban residential properties ranging from large detached and semi-detached houses along Parson Street and Tenterden Grove/Gardens to the north and east and semi-detached houses along Finchley Lane

(A504) to the south. To the north of the site are Edinburgh House and Markham Court, 5 and 4 storey flatted buildings. To the west of the site are two separate cul-de-sac developments of Corrigan Close and Linfield Close which comprise of 2 storey detached houses.

The site is not subject of any specific designation or Local Plan allocation, but is located within Flood Zone 1, has a Public Transport Accessibility Level (PTAL) of 2 and lies between two Special Archaeological Significance Areas. The site is not located within a designated conservation area and there are no statutory or locally listed buildings within the site. However, there are two Grade II Listed Building within close proximity of the site; 'Montfort House' to the north-west and 'The Vicarage' to the west.

There is a Tree Preservation Order (TPO) covering the whole site.

2. Site History

Reference: 18/7495/FUL

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved following legal agreement

Decision Date: 01 September 2020

Description: Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.

Reference: 20/5102/NMA

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 18 November 2020

Description: Non-material amendments to planning permission reference 18/7495/FUL dated 01/09/2020 for Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping. Amendments include rewording of condition 4, 18, 19, 22, 24 and 38.

Reference: 20/5815/CON

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 28 January 2021

Description: Submission of details of Condition 5 (Phasing Strategy), 6a (Demolition and Construction Management and Logistics Plan), 7 (Construction Environmental Management Plan) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 20/5816/CON

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 02 March 2021

Description: Submission of details of Condition 30 (Tree Protection Plan), 31 (Tree Felling Plan) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 20/6192/CON

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 22 February 2021

Description: Submission of details of condition 3 (Levels), 12 (Parking strategy), 18 (Air quality mitigation), 24 part 1 (Soils remediation), 25 (Boiler details) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 21/0240/CON

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 18 June 2021

Description: Submission of details of condition 19 (Air source heat pumps) 22 (Acoustics) 29 (Co-ordinated service plan) 38 (Surface water drainage) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 21/1674/NMA

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 15 April 2021

Description: Non-material amendments to planning permission reference 18/7495/FUL dated 01/09/20 for 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.' Amendment to include changing the wording of condition 4 (Details - Materials) to read 'Prior to installation of relevant works, 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'.

Reference: 21/1758/NMA

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 6 April 2021

Description: Non-material amendments to planning permission reference 18/7495/FUL dated 01/09/20 for ' Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.' Amendments include alterations to the design and fenestration of Buildings 1-8 and Houses 8 and 10 and updating of tenure mix, technical reports and related conditions (see covering letter).

Reference: 21/2209/CON

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 01 June 2021

Description: Submission of details of condition 4 (External Materials) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 21/2774/CON

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 14 July 2021

Description: Submission of details of Condition 26 (Bat Survey) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 21/5925/NMA

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 30/11/2021

Description: Non-material amendments to planning permission reference 18/7495/FUL dated 01/09/20 for 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.' Amendments include alterations to balcony doors and balustrades, entrance doors and canopies, garden and patio balustrading, privacy screen, bin and cycle stores. Changes to levels, external finishes, windows, rainwater downpipes.

Reference: 22/2854/NMA

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Approved

Decision Date: 06 July 2022

Description: Non material amendment to planning permission 18/7495/FUL dated 01/09/2020 for 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.' Amendments include provision of new block entrance to Building 1.1 and Building 1.3, elevational changes to Building 1.2, unit Typology changes in Building 1.1 and 1.3 and internal layout changes linked to building management and regulatory changes.

Reference: 22/3124/NMA

Address: Westhorpe Gardens And Mills Grove NW4 2TU

Decision: Pending consideration

Decision Date: N/A

Description: Non-material amendments to planning permission reference 18/7495/FUL dated 01/09/20 for 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.' Amendments include changing the development description to read 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment of 251 residential units which includes 46 units to be provided for retirement living, across 9 no. part 4 / 5 / 6 / and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community café within the retirement block and associated parking and landscaping'.

Reference: 22/3778/CON

Address: Westhorpe Gardens And Mills Grove NW4 2TU
Decision: Approved
Decision Date: 01 December 2022
Description: Submission of details of condition 9 (Cycle Parking), 10 (Electric Vehicle Charging Facilities), 11 (Disabled Parking Spaces) and 17 (Highway Works) all in relation to Phase 1 of the development of planning permission 18/7495/FUL dated 01/09/2020.

Reference: 22/3783/CON
Address: Westhorpe Gardens And Mills Grove NW4 2TU
Decision: Approved
Decision Date: 01 December 2022
Description: Submission of details of conditions 28 (Hard and Soft Landscaping - in relation to Phase 1), 32 (Green Roof), 33 (Arboricultural Protection Measures - in relation to Phase 1), 34 (Details - Play Equipment), 35 (Boundary Treatment - in relation to Phase 1), 39 (External Lighting Assessment), and 40 (Solar Panels) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 22/4145/CON
Address: Westhorpe Gardens And Mills Grove NW4 2TU
Decision: Approved
Decision Date: 25 October 2022
Description: Submission of details of conditions 13 (Interim Delivery and Service Plan), 14 (Interim Refuse and Recycling Collection Strategy), 36 (Landscape Management Plan) and 48 (Security and Crime Prevention) pursuant to planning permission 18/7495/FUL dated 11/08/2022.

Reference: 22/4341/CON
Address: Westhorpe Gardens And Mills Grove NW4 2TU
Decision: Pending Consideration
Decision Date: N/A
Description: Submission of details of conditions 15 (Car Park Management Plan) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 22/5192/CON
Address: Westhorpe Gardens And Mills Grove NW4 2TU
Decision: Approved
Decision Date: 30 November 2022
Description: Submission of details of condition 37 (Thames Water Infrastructure) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 22/5325/CON
Address: Westhorpe Gardens And Mills Grove NW4 2TU
Decision: Approved
Decision Date: 02 December 2022
Description: Submission of details of condition 24 (Land Contamination - Remediation) in relation to Phase 1 of the development pursuant to planning permission 18/7495/FUL dated 01/09/2020.

Reference: 23/1068/CON
Address: Westhorpe Gardens And Mills Grove NW4 2TU
Decision: Pending consideration
Decision Date: N/A
Description: Submission of details of condition 6 (Demolition and Construction Logistics

Management Plan) 7 (Construction and Environmental Management Plan) pursuant to planning permission 18/7495/FUL dated 01/09/2020.

3. Proposal

This application seeks:

'Variation of condition 1 (Approved Plans) of planning permission reference 18/7495/FUL dated 01/09/2020 for 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.' Variation to include amendment to the tenure and occupancy for Block 1.1, 1.2 and 1.3'.

The changes to the tenure mix would allow for the scheme to continue providing 100% affordable housing, split as follows:

Previously approved Tenure Mix under planning approval reference 18/7495/FUL dated 01/09/2020:

Affordable Rent (Over 55s): 48no. 1 bed 2 persons (Total 48)

Market Sale (Over 55s): 17no. 1 bed 2 persons and 14 2 bed 3 persons (Total 31)

Shared Ownership: No Shared Ownership units

Total: 79no. residential units

Proposed Tenure Mix under current planning application:

Affordable Rent (Over 55s): 40no. 1 bed 2 persons and 6no. 2 bed 3 persons (Total 46)

Market Sale (Over 55s): No Market Sale units (Total 0)

Shared Ownership: 1no. 1 bed 1 person, 21no. 1 bed 2 person, 11no. 2 bed 3 person units (Total 33)

Total: 79no. residential units

4. Public Consultation

Consultation letters were sent to 925no. neighbouring properties. Site notices dated 30 June 2022 were erected and an advertisement was placed in the Barnet Times dated 28 June 2022. 74no. responses by way of objections and comments and a petition with objections to the proposal was received, containing a representation of 272no. signatures. Objection and comments are summarised as follows:

- The plan doesn't provide enough parking spaces to accommodate families or young workers many of whom will require more than one parking space per household.
- Highways, traffic, access and parking issues on Tenterden Grove, Tenterden Gardens, Brinsdale Road, Parson Street and Finchley Lane from this development will worsen
- Development is a long walk away from transport links resulting in greater car use
- Blind spots
- Traffic report was undertaken during school holidays
- Roads are not wide enough for traffic to pass in both directions often leading to gridlock
- Increase in traffic on a school road and 3 synagogues and a church in the vicinity
- Buses include school buses and are insufficient
- Underground parking, sufficient car-charging points should be provided and new traffic

survey required

-Double yellow lines which were in place along Tenterden Grove should have been repainted before construction started so that they were clearly marked - and would have stopped the workforce parking their cars

-Damage caused from lorries parking on pavements and kerbs - dangerous for pedestrians - should be replaced by the developer when work is finally completed

-An additional 400 car spaces should be provided on site as the development will be occupied by families with more than one car

-Original review of the area is no longer valid, as post-covid - there is insufficient parking in the streets

-Assumed under previous proposal that retirement housing would attract less car use

(Planners Comments: Highways issues were assessed by the Highways Department following the submission of RPS Consulting Services Ltd. Transport Technical Note (06 July 2022). The note along with the previously submitted and approved Parking Survey is considered to have an acceptable impact on the development. Furthermore, TfL was consulted and raised no objections to the scheme).

-Development already overcrowded for the area

(Planners Comments: The proposal relates to the same amounts of dwellings as previously approved - and therefore no further impact is considered to be caused from the proposed amendments).

-Air quality, noise, dust pollution issues and overcrowded street

(Planners Comments: Condition 18 (Air Quality Assessment), conditions 21 and 22 (Noise) and conditions 6 and 7 (Construction Management) of the parent application was assessed to ensure that the above issues are adequately dealt with. Also, no further dwellings are proposed in comparison to the approved scheme and thus will not lead to overcrowding.)

-Infringement on neighbours' privacy and rights to light

-Height of the buildings) is entirely out of keeping with the overall residential and low-rise nature of the neighbourhood

-These Issues and justification of changes should have been identified in advance during the initial proposal and assessment

-Market housing changes the mixed neighbourhood that was proposed and is negative to the overall balance of the scheme as approved

-There was a sizeable opposition to the original development of 251 homes and is too large for the surrounding area

-Detrimental impact on residential amenities and the visual impact of a development

-Proposal does not respect character and appearance, local context, street pattern, scale and proportions of surrounding buildings

(Planners Comments: No new extensions to the approved scheme are proposed and therefore no privacy and rights of light infringements are envisaged. Furthermore, the scheme seeks to allow for 100% of affordable homes. Therefore, providing dwellings for those who cannot afford the Market sale dwellings. Overall, this is considered to be positive.)

-Variation is a huge change and invalidates the current planning permission

-Works on the development stop immediately and a new application be applied for

-Renewed evaluation of the whole project required

-The 31 units which are in high demand should remain as approved to give other parts of the local community the opportunity to benefit from high quality new build private housing available in Hendon

-Substantial reduction in amount of affordable retirement options for local residents
(Planners Comments: The application has been assessed on its' own merits and the submission meets the National and local Requirements - and was thus registered. Scheme discussed in more detail within the main part of the report, below.)

-Online website is not currently allowing online comment - now submitted by email
(Planners Comments: Neighbour re-consultation actioned)

-Most of the retirement accommodation in this area is provided by expensive private organisations including conversion of the Hendon Hall Hotel

-Elderly residents will be disadvantaged as they will not have the required housing

-Hendon has an ageing population within Barnet and withdrawing this provision creates a bigger issue, again with no further provision provided

-Increased demand for retirement accommodation as the demographics change within the borough.

(Planners Comments: Issues discussed within the main report below)

-Environmental impact and unsustainable

-Green space is being destroyed, trees cut down and this will increase rain-water run-off, increase the local heat-island effect of urbanisation

(Planners Comments: Condition 28 (Hard and Soft Landscaping) and condition 30 (Tree Protection and Method Statement) were discharged and therefore the scheme is acceptable in the above regards)

-On site advert does not specify the homes for over 55s - and one can only assume that Metropolitan used the mix of occupancy as a way of obtaining approval for a development that was extremely objected to in the original application

(Planners Comments: The Local Planning Authority (LPA) have no control over the content of the developer's advertisement)

Statutory Consultations

Highways Comments

Initial comments:

- No significant transport impacts are anticipated as a result of the proposed change of tenure as the number of units remains the same at 79 and the % unit mix change is minimal.

- However, a technical note should be provided to back up the proposed variation.

- The change from over-55 units to shared ownership may result in some variations to trip patterns.

- Confirmation required relating to compliance with the London Plan 2021 policies on cycling provision.

- Clarify that due consideration has been given to the effect on the parking provision assumptions and that no changes are anticipated or proposed, especially with regards to overspill. Any trip generation & mode share changes, even if minimal, should be reviewed and submitted.

- Clarifications can be provided in the form of a short note or letter.

Further comments:

- Following the submission of RPS Consulting Services Ltd. Transport Technical Note (06 July 2022), the Highways Department confirmed the acceptability of the scheme in relation to Highways.

Transport for London Comments

- TfL has No Objection to the proposed variation to the consent subject to all planning conditions and planning obligation for transport, highway, and public realm will be re-secured in the new consent.

Environmental Health Comments

- Environmental Health has no further comments and the original conditions remain the same.

Ecology Officer Comments

- No objections on ecological grounds in relation to the submitted proposed occupancy site plan (Hill Partnerships Limited, 08/06/2022, WTG-IWD-XX-XX-DR-A-S73152 P1) and tenure plan (Hill Partnerships Limited, 08/06/2022, WTG-IWD-XX-XX-DR-A-S73151) as these will have no material impact on ecology, protected species, trees or landscaping.

Met Police - Crime Prevention

- No objections raised, as it does not appear that the site will be changing - other than the type of tenure for the units.
- Planning condition 48 of the parent application relates to Crime Prevention. Although there is no direct mention of 'Secured by Design' (SBD), it is recommended that the applicant submits an application for the SBD process.

(Planners Comments: Condition 48 (Crime Prevention) was discharged 22/4145/CON dated 11 August 2022).

- The Design Out Crime officer (DOC) was consulted on the Discharge of Condition application and confirmed that they are satisfied that the applicant has taken steps to incorporate crime prevention measures for their site.

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 benefit.

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.

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

Relevant Policies:

- D1 - Form and Character
- D4 - Good Design
- D5 - Inclusive Design
- D6 - Housing Quality and Standards
- D14 - Noise
- G1 - Green Infrastructure
- GG4 - Delivering Homes Londoners Need
- G5 - Urban Greening
- G6 - Biodiversity and Access to Nature
- G7 - Trees and Woodlands
- H1 - Increasing Housing Supply
- H4 - Delivering Affordable Housing
- H6 - Affordable Housing Tenure
- H10 - Housing Size Mix
- S4 - Play and Informal Recreation
- SI 1 - Improving Air Quality
- SI 2 - Minimising Greenhouse Gas Emissions
- SI 13 - Sustainable Drainage
- T3 - Transport capacity, connectivity and safeguarding
- T4 - Assessing and Mitigating Transport Impact
- T5 - Cycle Parking
- T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

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.

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, 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.

Supplementary Planning Documents

Residential Design Guidance (adopted October 2016)

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.

Local Plan Supplementary Planning Document: Planning Obligation (adopted April 2013)

Local Plan Supplementary Planning Document Affordable Housing (adopted February 2007)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Highways Issues

5.3 Assessment of Proposal

The applicant, Metropolitan Thames Valley Housing (MTVH) and Hill Group, confirmed that they have undertaken a review of Phase 2 of the scheme since November 2021, ahead of site enabling works. The applicant has a S96a Non-Material Amendment (NMA) application running alongside the current proposal, seeking to amend the description of development under approval reference 18/7495/FUL dated 01 September 2020. This is being considered separately under planning reference 22/3124/NMA.

The current application seeks planning approval as follows:

Variation of condition 1 (Approved Plans) of planning permission reference 18/7495/FUL dated 01/09/2020 for 'Demolition of existing 102 residential dwellings across 6 x 3 storey block of flats, 2 storey terraced houses and Westhorpe Cottage. Redevelopment for 251 residential units which includes 79 units to be provided for retirement living, across 9 no. part 4/5/6 and 7 storey blocks and 15 no. 3 storey houses with ancillary shared spaces including community cafe within the retirement block and associated parking and landscaping.' Variation to include amendment to the tenure and occupancy for Block 1.1, 1.2 and 1.3'.

As noted above, this application seeks a minor material amendment to the previously approved scheme. The differences between the current application and the previous application are detailed above, and this appraisal will therefore assess only the nature of

the changes from the approved scheme, and whether these result in a development which would conflict with the Development Plan. Therefore, in relation to the character and appearance of the development and potential impact on the neighbouring amenities and future occupiers, the principle of its' acceptance was already established under the parent application, reference 18/7495/FUL.

MTVH have undertaken a review in detail of the Over 55s Retirement Living market in respect of demand in mixed tenure intergenerational schemes. The exploration compared the facilities provided by Westthorpe Gardens in comparison to developments delivered in other schemes in the local vicinity. The likely sales periods and incentives needed to facilitate the sale of 31no. market sale homes for Over 55's was considered. It was concluded that the consented tenure is no longer a preferred option, due to the expected low demand. This was stated as being due to limited facilities and the mixed tenure provided under the scheme. The expected sales period of 3-4 years would lead to significant holding and marketing costs - hence the need for the proposed tenure discussed above.

It was considered by the applicant that the proposed non age restricted shared ownership would be less restrictive than the approved over 55's marketable units. Thus, whilst any age group could apply for the revised housing, including over 55's, applicants would not be restricted by age group. This element of the scheme would better accommodate the demand for shared ownership, providing an affordable route into home ownership in the vicinity.

The applicant provided support for this stance within the submitted SO Review of Proposed Tenure Switch (May 2022).

Tenure changes

In respect of the tenure mix, the proposal does not result in a change in general internal arrangement amendments.

The original planning application reference 18/7495/FUL dated 01/09/2020 secured 48no. dwellings consisting of affordable Rented units for the over 55's and no shared ownership properties. The proposal also included 31no. market sale units for the over 55's. This tenure was secured by a S.106 Agreement Legal Agreement.

The current proposal seeks to provide 100% affordable housing by way of 46no. affordable rental properties for the over 55's, 33no. shared ownership properties with no age restriction - and no market value housing is proposed. A Deed of Variation (DoV) is currently in progress to accommodate the tenure change.

It should be noted that this element of the scheme relates to Blocks 1.1, 1.2 and 1.3 only of the overall development.

Therefore building 1.1 and 1.2 becomes affordable rent for Over 55's - 46no. units and Building 1.3 becomes non age restricted shared ownership - 33no. units.

The result of the changes subject of the current application is an increase from 48no. affordable dwellings to 79no. affordable dwellings. The total number of units remains as previously approved - however, the resultant scheme allows for 100% affordable housing. The development has been built out by Metropolitan Thames Valley Housing (MTVH), a housing association.

The removal of the age restrictions to the proposed shared ownership units would require a change in the description of the approved scheme. The new description of development as set out above will allow for the amended tenure for Blocks 1.1, 1.2 and 1.3, facilitating an overall development of 100% affordable housing development consisting of a variety of affordable housing tenures.

No further amendments are required under the current application. Therefore, the change to the description is considered to be acceptable.

Highways

It is noted that objections were received with regards to potential parking issues due to the change in tenure. RPS Consulting Services Ltd. Transport Technical Note (06 July 2022) was submitted by the applicant. The Technical Note drew reference from the approved Parking Survey. Both the LPA's Highways officer and TfL were consulted. No objections were raised to the proposed scheme. Therefore, it is considered that the scheme would not have a harmful impact on the Highway. Furthermore, the following conditions have been discharged to allow for an acceptable proposal in relation to both car and cycle parking:

- Condition 9 - Cycle Parking / Storage
- Condition 10 - Electric Charge Points
- Condition 11 - Disabled Parking Space
- Condition 12 - Parking Strategy

It is therefore considered that the change in tenure would have an acceptable impact on the Highway and resultant parking provision.

Other issues

As mentioned above, it should be noted that the current application is supported by a further application reference 22/3124/NMA submitted pursuant to Section 96a (otherwise referred to as a "Non-Material Amendment" application) of the Town and Country Planning Act 1990 (as amended) to amend the descriptions of development and vary condition 2 of both planning permissions. The amendments within the Section 96a application update the tenure of residential units referred to within the description of development.

These amendments are required to facilitate the Section 73 applications submitted herewith in light of the judgement handed down by the Court of Appeal in *Finney V Welsh Ministers*, which concluded that Section 73 of the Act may not be used to obtain a varied permission when the change sought would require a variation to the terms of the operative part of that permission. Should a resolution to grant the two current Section 73 applications be agreed, then the Local Planning Authority will issue delegated approval of the Section 96a applications. Alternatively, should the committee resolve to refuse the application, then S96a applications will be refused.

5.4 Response to Public Consultation

Discussed in section 4 - 'Public Consultation' of the planning officers report.

6. Equalities and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the

commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities. The equality duty of Barnet Council's Equality Policy covers a list of protected characteristics. In relation to the above approval, age is considered to be the main characteristic. Whilst the over 55's marketable housing is proposed to be eliminated from the scheme, the proposal retains housing for the over 55's and thus complies with the Equalities policy in this regard.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene, locality and Highways. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for planning Approval, subject to conditions.

Site Location Plan



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