

Chipping Barnet Area Planning Committee

9<sup>th</sup> March 2017

Addendum to Officers Report

**Pages 11 - 31**

**Sir Thomas Lipton Memorial Hospital**

**16/7101/FUL**

**Amend the Recommendation I to include Heads of Terms as follows:**

Affordable Housing Review Mechanism to include a review clause that provides for the developer to submit a Financial Appraisal to the Council upon the sale of 80% of residential units in the development

Provision of local employment and training in the construction phases of the development to provide four apprenticeships during the construction phase of the development, and required reasonable endeavours on the part of the developer to ensure that at least 30% of its labour force during construction shall be Barnet Participants.

Provision of a Landscape And Ecological Management Plan to secure the long term management of landscape and wildlife values at the site.

A contribution towards the Council's costs in monitoring the obligations of the Agreement of £1500.00.

**Amend Recommendation II to include the following amended and additional conditions and informatives:**

Condition 1:

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

001; 002 rev. D; 003 rev. E; 004 rev. A; 100 rev. C; 101 rev. D; 102 rev. B; 103 rev. B; 104 rev. B; 105 rev. B; 106 rev. B; 107 rev. A; 108; 109; 110 rev. A; 111 rev. A; 122; 123; 141; 142; 200 rev. A; 201; 203 rev.A; 204 rev. A; 300 rev. C; 301 rev. D; 302 rev. B; 400 rev. B; 401 rev. C; 402 rev. A; 500; 501; 600; 610 rev. B; 611 rev. A; 612 rev. A; 613 rev. A; 614; 615; 616; 617; Door, Window and Fireplace Schedule Rev. C. and Door, Window and Fireplace Schedule Basement Rev. E.

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).

Condition 10:

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Condition 23:

a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority. This approved details shall include clarification of the areas within the development which are for the communal use of all residents.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

#### Condition 26:

No buildings shall not be occupied until parking spaces have been laid out within the site in accordance with the approved plans (drawing no. proposed site layout 002 rev. D) and shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

#### Condition 27:

The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

#### Condition 28:

The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be permanently retained and maintained thereafter.

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

#### **Additional conditions:**

#### Condition 32

a) No development other than demolition work shall take place until details of the location within the development and specification of the three units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

#### Condition 33

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of Buildings 2, 3 and 4 the units in these buildings shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

#### Condition 34

a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

#### Condition 35

a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

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 7.21 of the London Plan 2015.

#### Condition 36

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

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

#### Condition 37

a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to 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 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 7.21 of the London Plan 2015).

#### Condition 38

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A - H of Part 1 and Classes A, B, D, E and F of Part 2 of Schedule of that Order shall be carried out within the approved development.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees, the setting of the listed building and the general locality in accordance with policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

#### Informative 1:

This permission is subject to a section 106 agreement dated ---- that sets our requirements for

- (i) An affordable Housing Review Mechanism to include a review clause that provides for the developer to submit a Financial Appraisal to the Council upon the sale of 80% of residential units in the development

- (ii) Provision of local employment and training in the construction phases of the development to provide four apprenticeships during the construction phase of the development, and required reasonable endeavours on the part of the developer to ensure that at least 30% of its labour force during construction shall be Barnet Participants.
- (iii) Provision of a Landscape And Ecological Management Plan to secure the long term management of landscape and wildlife values at the site.

**Informative 11:**

Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

**Amend Recommendation III as follows:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 March 2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to provide either an acceptable financial contribution towards off-site affordable housing, or a satisfactory review mechanism to secure a post-development review of the ability of the scheme to make a financial contribution for that purpose. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 of the Development Management Policies DPD (adopted September 2012), the Affordable Housing SPD (2009), Enterprise and Training SPD (2014), and the Planning Obligations SPD (2013).

**Amendments to the report:**

**Page 27:** Section 4 - Public consultation:

The main report stated that there are 52 objections and a petition with 36 signatures. However the 52 objections noted double counted some people who had both signed the objection and written individual letters. The number of objection letters has therefore been recounted, and stands at 20.

**Page 31:** Section 5.1 - Policy context:

Policy DM06 in the Development Management DPD and the Enterprise and Training SPD are key material considerations in the consideration of this application. (These were omitted in the main report.)

**Pages 35 and 37:** Impacts on trees and wildlife:

The Council's Tree Officer has clarified this issue. There is one tree only to be removed for development reasons T162 a small holly tree to make way for the woodland walk to block 4. The loss of this tree will have minimal impact on visual tree amenity. Nine other trees are also proposed for removal for arboricultural reasons: T25 scots pine, T57 cherry, T127 cypress, T130 sycamore, T134 oak, T150 lime, T200 beech, T232 birch and T241 elm all these trees have been categorised as U with a life expectancy of less than 10 years, and may pose a risk to site users. The landscaping will aim to replace these and provide succession planting for others that are over mature.

Longer term management of protected within the site and wildlife within the site is recommended in the amended Heads of Terms . This would require a Landscape and Ecology Management Plan comprising a detailed report of the methods to be used by the Owner to secure:-

- (a) enhancement of the ecological value of the Development and protection of protected species both during construction and the lifetime of the Development.
- (b) the appropriate arrangement and laying out of the Development to minimise adverse landscape impacts and damage to trees of special amenity value; and
- (c) details of updated surveys in relation to the ecological interests on the Land/within the Development the regularisation method by which such surveys need to be undertaken and any recommendations for actions with those surveys the work to take place and related mitigation measures within the following timeframe:-
  - (i) within the first two years of Commencement of Development;
  - (ii) two to five years;

- (iii) five to 25 years; and
- (iv) 25 years plus.

**Page 37: Affordable housing:**

As noted in the main report, a viability assessment was submitted by the applicant, and has been subject to independent review by the Council, and it is accepted that the development will not reach the accepted 20% profitability benchmark which is required by funders to secure finance for the development. In order to secure a financial contribution towards off-site affordable housing which may be able to come forward if the scheme proves to be more profitable than envisaged in either the applicant's viability assessment and in the Council's independent review, the section 106 agreement will include a review clause that provides for the developer to submit a Financial Appraisal to the Council upon the sale of eighty (80) percentum of Residential Units. This will then allow funding from profit that is in excess of the benchmark to go towards an off-site affordable housing financial contribution.

In establishing an upper limit to any off-site contribution that may be required under the terms of the agreement, it is recognised that the Vacant Building Credit (VBC) would be applicable. This is a mechanism in Planning Practice Guidance that is intended to encourage developers to bring vacant floor space being back into use, and allows a credit of vacant or demolished floor space to be set against the total contributions made for affordable housing.

**Page 37 - 38: Other issues:**

The employment and training clause to be provided in the section 106 agreement as noted above in Recommendation 1 will include provision of four apprenticeships during the construction phase of the development, and required reasonable endeavours on the part of the developer to ensure that at least 30% of its labour force during construction shall be Barnet Participants.

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| <p><b><u>Pages 41 - 51</u></b><br/><b><u>Sir Thomas Lipton Memorial Hospital</u></b><br/><b><u>16/7102/LBC</u></b></p> |
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**Condition 1 to be amended to the following:**

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

001; 002 rev. D; 003 rev. E; 004 rev. A; 100 rev. C; 101 rev. D; 102 rev. B; 103 rev. B; 104 rev. B; 105 rev. B; 106 rev. B; 107 rev. A; 108; 109; 110 rev. A; 111 rev. A; 122; 123; 141; 142; 200 rev. A; 201; 203 rev.A; 204 rev. A; 300 rev. C; 301 rev. D; 302 rev. B; 400 rev. B; 401 rev. C; 402 rev. A; 500; 501; 600; 610 rev. B; 611 rev. A; 612 rev. A; 613 rev. A; 614; 615; 616; 617; Door, Window and Fireplace Schedule Rev. C. and Door, Window and Fireplace Schedule Basement Rev. E.

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).

**Condition 6 to be amended to the following:**

Details including drawings at 1:10 scale (or any other appropriate scale as agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority of the following proposed features prior to the relevant works commencing:

Windows, rooflights, doors (internal and external), staircases, timber panelling, interior lighting, flooring, rainwater goods, ventilation and extract/intake terminals, signage and lighting.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).