

Hendon Area Planning Committee 26th July 2018
Addendum to Officers Report

Pages: 21 - 57

141-143 Dollis Road NW7 1JX

Ref: 17/3796/FUL

The following amendments are required:

Pages 21-22

Recommendation II is amended as follows (new text is underlined):

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

- 1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.*
- 2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.*
- 3. Provision of seven flats as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.*
- 4. Provision of a review of development viability for the approved development (including residential and non-residential units) as follows:*
 - (i) an early stage review two years after the date of the permission if the permission has not been substantial implemented; and*
 - (ii) a late stage review on the sale of 75% of the residential units at the site with a proportion of any "superprofit" over the 20% nominal viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing. The proportion of any superprofit to be paid to Council will be 60%.*
- 5. Provision of a minimum of one car parking space for use by a "car club" and accessible to members of the car club both within and outside the development. Unless any allocation of spaces to particular units are otherwise agreed in the*

submission of a car parking plan under the conditions of the permission, all remaining spaces shall be available to be shared within the development

6. Provision of monitoring costs for a travel plan.

7. Meeting the costs of providing appropriate play space improvements within the locality of the site - £2834.

8. Meeting the costs of providing appropriate amenity space improvements within the locality of the site - £5450.

9. ~~Provision of Skills, Employment, Enterprise and Training appropriate to the site, with the alternative of making a commuted financial contribution of £47,306 to cover the costs of providing for these obligations off-site.~~

(a) Loss of employment floorspace - £47,306.

(b) ~~Provision of Skills, Employment, Enterprise and Training appropriate to the site, with the alternative of making a commuted financial contribution of £33,680 to cover the costs of providing for these obligations off-site.~~

10. Meeting the Council's costs of monitoring the planning obligation - £3500.

The recommended conditions are unchanged from the report as published in the Agenda.

Page 34

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by ~~12 December 2017~~ 28 March 2018, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Page 53:

The first full paragraph on page 53 is amended, to set out the reason for changes in Recommendation II, Clause 4 above (new text is underlined):

The application provided a detailed viability assessment which makes a case that the development would not be viable with the provision of affordable housing. An independent review of the applicant's assessment was carried out on the Council's behalf, although agreement was not reached on the viability issue. However, the application has offered ~~eight~~ seven shared ownership units as on-site affordable housing comprising flats in Buildings A and C. This comprises 25% of the net saleable floor area of the development and while this is welcomed, it falls some way short of minimum 40% proviso required in Policy DM10. In line with the London Affordable Housing Viability SPG published in August 2017, it is considered that this proportion of shared ownership units can be accepted provided that the section 106 agreement to secure the units also provides a review clauses, including an early review clause if substantial implementation is not carried out within two years, and a later review. ~~The review would require a post-development review of viability,~~ to ensure that if the profitability of the scheme is sufficiently improved on the level projected in the viability assessment then an additional financial contribution towards provision off-site housing would be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision. The proportion of any additional profit identified at the late review stage, which would paid to the Council as an off-site affordable housing contribution has been revised downwards from 80% to 60% to reflect the reviews procedures at Paragraphs 3.53 - 3.66 of the Mayor of London's "Homes for Londoners": Affordable Housing and Viability SPG.

Page 54:

The Council's' Senior Skills and Employment Officer has clarified that the requirements set out in the Barnet *Skills, Employment, Enterprise and Training* SPD comprise two separate elements. The third and fourth paragraphs on page 54 are therefore amended reflect this, and to set out the reasons for changes in Recommendation II, Clause 9 above (new text underlined):

The loss of B1 floorspace is relatively minor, and balanced to some extent by the additional retail floor space, which would help to reinforce the viability of the local shopping centre within which Building C is located. The loss of B2 floorspace is not supported by Policy DM14, although it is noted that employment densities for office floorspace are higher than would be achieved in the Class B2 floorspace that would be lost, so that the loss of employment there would be significantly less than would be the case if employment was even across all of the B1 / B2 space being lost. On balance, the loss of employment land would be justified only if appropriate mitigation for training and employment is provided. As set out in the Barnet Skills, Employment, Enterprise and Training SPD, mitigation for loss of employment floorspace and provision of Skills, Employment, Enterprise and Training would need to be provided as two separate elements:

- The SPD provides for mitigation for the loss of employment floorspace to be made by way of a financial contribution of £47,306, and
- Skills, Employment, Enterprise and Training may be provided on site, or alternatively by way of a commuted financial contribution of £33,680 to cover the costs of providing for these obligations off-site.

~~for training and employment is provided, either on site or by way of a commuted sum for off-site provision, is made. In this the latter case, the following provision should be made, either on-site during construction or off-site as a commuted sum would be made of the follow components:~~

- One Apprenticeship Placement for one year (or commuted sum equivalent at £22,000);
- Progression into Employment programme (or commuted sum equivalent at £10,680).

Recommendation II(9) above provides for ~~this on- or off-site provision~~ both to be included in the section 106 obligation that would be required if the application is to be supported. Taking into account that the site is surrounded by residential development on all sides and that if redeveloped for employment purposes it is likely that a significant loss of residential amenity could result from increased noise and potentially heavy vehicle traffic, it is considered that the provision of B1 office space in this revised proposal and the mitigation outlined above would be sufficient in this case to justify the loss of the bulk of this site for employment uses. No objection is therefore raised on this issue.

Other matters

Four residents in Abercorn Road have written to withdraw their previous objections, to the scheme, following their review of the changes in the scheme that have included the deletion of the access out to Abercorn Road. Two of these neighbours who directly adjoining the site have changed their previous objections to support, and two who also live close to the site are now taking a neutral position, neither opposed to or in support of the development.

An additional letter received from an objector has raised a number of issues, most of which are addressed in the main report. A number of the points raised relate to vehicle access and egress to and from the development, including refuse vehicles. As noted previously, the Highways Officer has not objected to the scheme. Other point raised are:

- There have been a large number of consultations on the development proposals at the site:

There have been several applications made over the last two years, and the Council is obliged to consult on each of them. In addition, during the course of this application the fundamental changes to the development have required two consultations on the proposals.

- The shared ownership units will be retained by the developer:
This is not the case. The Section 106 planning obligation would require their transfer to a registered social landlord.

Pages: 59 - 70

185 Edgwarebury Lane, Edgware, HA8 8QJ

Ref: 17/7882/HSE

Page 60:

The applicant provided an amended site location plan (included below) after the clearance of the officer report. This is changed to reflect the neighbouring property to no.183 Edgwarebury Lane.

Informative 2 should read as:

“The plans accompanying this application are:

Amended site location plan (Received 16/02/2018)

Proposed site location plan (received 06/2/18)

Drawing DM/3344/2.1 Existing First floor plan (excluding Proposed first floor plan, amended as below)

Drawing DM3344/2.2 Proposed first floor plan (Received 8/2/2018)

Drawing DM/3344/3 Existing and proposed roof plans and rear elevation

Drawing DM/3344/4.1 Existing and proposed Side elevations

Drawing DM/3344/5 Existing and Proposed Section and Front elevations”

Page 63:

On 26th February 2018, the objection from no.189 Edgwarebury Lane was formally withdrawn by the objector in writing. Therefore section 4. *Consultation* should read:-

“Consultation letters were sent to 2 neighbouring properties.

2 representations were received within the statutory consultation period, comprising 2 objections. 1 objection was formally withdrawn, after both the statutory consultation period and statutory determination period had ended.

The representations can be summarised as follows:-

- Concern proposal will affect the light coming into neighbouring properties
- The proposed extra 4m on the back of the infill does not follow any planning guideline.
- The scale of the extension in terms of depth and height will have a material impact on light in a neighbouring property kitchen and rear sitting room.
- The path of the sun will also mean that later in the day there will be shading issues which will also impact the level of light further to the sitting room and the kitchen.
- Light impact exacerbated as host property is set higher than neighbouring property”

Page 67:

In light of the revised site location plan, the 'Impact on the conditions of neighbouring residents' paragraph 4 should therefore read:-

“The proposal would project 4 metres from the extended rear wall of the host dwelling, resulting in an exposed flank wall depth of 2.5 metres, sited approximately 1.5 metres from the common boundary with no.183. This would maintain the separation distance of some 2.6 metres between the established flank walls of the dwellings, consequently this would not be considered to lead to unacceptable loss of light to habitable rooms there.

Whilst the proposed exposed flank depth would appear to be technically acceptable in terms of the Residential Design Guide 2016, it is noted that this assumes the relationship is between two unextended properties. It is therefore considered that the added bulk of the proposed would be unacceptable in terms of its impact to the visual amenities of neighbouring occupiers at no.183. It is further noted that this property sits at a lower ground level than the host dwelling. It is considered the proposal would appear overbearing when viewed from the neighbouring garden and would contribute to reduced outlook to windows of habitable rooms there.”

The revised site plan:-



Pages: 83-98

45-47 Church Road

Ref: 17/7350/FUL

Recommendation III should be amended to read as:

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 5 May 2018, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Pages: 14

97 - 101 Brent Street, London, NW4 2DY

Ref: 17/7303/FUL

The following text has been amended on page 14:

However, considering that only **3.no parking spaces** are proposed and 6.no of the 10.no self-contained flats are considered as family units (2/3-bed), there would be a requirement for at least 1.no parking space to be provided per family sized unit to comply with the DM17.