

**LOCATION:** Brethren Meeting Hall, 3 Well Grove, London, N20 9QE  
**REFERENCE:** 15/04650/MDL **Received:** 23 July 2015  
**WARD:** Whetstone  
**APPLICANT:** PORTA PLANNING  
**PROPOSAL:** Variation of S106 relating to B/05370/14

### **Summary**

The applicant seeks a Deed of Variation relating to the Section 106 Agreement associated with Outline Planning Permission reference B/05370/14. That reference number relates to a Section 73 approval, which was a variation of original planning permission reference B/03068/11.

### **Site Description**

The application relates to a site in Whetstone previously owned by the Haringey Gospel Hall Trust (HGHT), a religious charitable trust part of the Christian Brethren. The site is located off the High Road to the rear of Travelodge and Marks and Spencer which forms the western boundary. The site is surrounded on the other three sides by houses on Chandos Avenue, Langton Avenue and Buckingham Avenue.

There are two access points into to the site: one is from the High Road adjacent to the Travelodge / Halfords building; the other is from Chandos Avenue via Well Grove. Both provide vehicular and pedestrian access. The site extends to approximately 2.44 hectares and was previously occupied by the Brethren Meeting Hall, Well Grove School, 0.83 hectares of open space and two single storey bungalows. The site is currently under development following approval of applications B/03068/11 and B/05370/14.

### **MATERIAL CONSIDERATIONS**

#### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012.

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

### The Mayor's London Plan: July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. 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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

### Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

## **Planning History**

Planning Reference: B/05370/14

Site Address: Brethren Meeting Hall, 3 Well Grove, London, N20 9QE

Proposal: Section 73 material amendment application to vary condition 1 (Approved Plans), condition 5 (Compliance with Approved Plans) and condition 34 (Restricted Use Office/Community Building) pursuant to planning permission B/03068/11 dated 29/03/2012. Amendments to include: Amendment to Description of Development to read 'Demolition of existing buildings and redevelopment comprising of 70 dwellings (60 no houses and 10 no flats). Erection of 512sqm building for use class D1 purposes (Non-Residential Institution). Provision of associated car parking, landscaping and open space. Use of existing accesses from High Road and Well Grove. (Outline Application)'; Updated List of approved plans listed in conditions 1 and 5; Alteration to wording of Condition 34 to include Children's Nursery within the permitted Use Class D1 uses that can occupy the Community Hub building; Alterations to plans contained within the S106 Agreement showing the proposed Public Open Space and Community Hub Land.

Decision: Approve subject to conditions

Decision Date: 17.03.2015

Planning Reference: B/03068/11

Site Address: Brethren Meeting Hall, 3 Well Grove, London, N20 9QE

Proposal: Demolition of existing buildings and redevelopment comprising of 70no dwellings (62no houses and 8no flats). Erection of 512sqm building for use class D1 purposes (Non-Residential Institution). Provision of associated car parking, landscaping and open space. Use of existing accesses from High Road and Well Grove. (OUTLINE APPLICATION)

Decision: Approve subject to conditions

Decision Date: 29.03.2012

Planning Reference: 14/07340/RMA

Site Address: Brethren Meeting Hall, 3 Well Grove, London, N20 9QE

Proposal: Reserved matters application seeking approval of layout, external appearance and landscaping for Chandos Avenue Redevelopment pursuant to Condition 4 of the Outline planning permission B/05370/14 for 'Demolition of existing buildings and redevelopment comprising of 70 dwellings (60 no houses and 10 no flats). Erection of 512sqm building for use class D1 purposes (Non-Residential Institution). Provision of associated car parking, landscaping and open space. Use of existing accesses from High Road and Well Grove' and details of proposed internal floor spaces to show compliance with the London Plan in order to discharge condition 8

Decision: Approve subject to conditions

Decision Date: 19.03.2015

## **Appraisal**

This application seeks to modify the S106 agreement relating to application B/05370/14 dated 17/03/2015.

The modifications sought relate to the public open space land, the affordable housing phasing and the community hub land. The specific changes proposed through this application are detailed below:

### **Public Open Space Land**

The Public Open Space Land defined in the Principal Agreement and identified on drawing number 12461\_S\_90\_13-3.2 is to be retained in the ownership of David Wilson North Thames rather than its ownership being transferred to the Council. To achieve this, an amendment is required to paragraph 3.21 to remove the reference to the transfer of the Public Open Space Land.

The Public Open Space Maintenance Contribution would need to be removed from the agreement, as this payment would no longer be required. It has been replaced with an obligation on David Wilson North Thames, or their successors in title, to maintain the Public Open Space within the development, as publicly accessible land, in perpetuity. The draft Transfer of Land document contained in the Fifth Schedule has been amended to reflect the changes identified above. As a result of the change proposed, above clause 3.14 will be replaced with the following:

*“3.14.1 To complete the works in accordance with Clause 3.12 and 3.13 and to make the Public Open Space Land the LEAP and all the facilities thereon available for use by the public from that time onwards as an open amenity or recreation area and (subject to clause 13.14.2) to allow the public to have unrestricted access at any reasonable time thereafter to the Public Open Space Land the LEAP and all the facilities including the right to gain access to the Open Space Land the LEAP and all the facilities at any time over any roads and associated footways on the Land and also over any footpaths intended for public use on the Land even if any of them remain private highways after the Development has been completed and to ensure from this time onwards that no reasonably foreseeable source of danger exists to the public by the use of the Public Open Space Land the Leap and all the facilities*

*3.14.2 Clause 3.14.1 shall not prevent the Owners from:*

- (a) preventing such public access during the hours of darkness,*
- (b) temporarily preventing or restricting such access where reasonably required in order to safely carry out works to the Public Open Space, the LEAP and/or the means of access thereto*
- (c) imposing reasonable rules and regulations concerning the use of Public Open Space, the LEAP and/or the means of access thereto, and*
- (d) preventing people who breach such rules and regulations from using the Public Open Space, the LEAP and/or the means of access thereto”*

The Local Authority's Green Spaces department have been consulted regarding the amendment proposed above. Green Spaces consider the change to be acceptable on the condition that this area of open space is not redeveloped to provide housing in the future. Any redevelopment of this open space would require planning permission and it is unlikely that this would be granted as the provision of open space is a key requirement for the wider Brethren Meeting Hall development. Green Spaces also requested that the Deed of Variation states that the Local Authority will monitor this open space to ensure that it is kept open during the daytime. This has been added to the Deed of Variation.

### **Affordable Housing Phasing**

Approved Build Phasing Plan (Plan No. H6871\_OSP\_004 Rev C) shows the intended phasing for the construction, which is dictated by the location of the construction access and consideration of the amenity of existing residents. The applicant seeks to create a sales entrance off Chandos Avenue and keep the construction access to the High Road entrance, which will be easier for construction vehicles to navigate and minimise disturbance to existing residents.

The approved site layout has the affordable units in two separate corners of the site. As a result of the build phasing, it will not be possible to deliver the final affordable housing units until the end of the build.

The applicant seeks to make the amendment below to the deed of variation. The applicant is not proposing under this application to change amount of affordable housing to be provided, but the phasing of delivery.

*3.7.2 the Owner covenants with the Council that not more than twenty five (25) of the Open Market Housing Units shall be Occupied until the Owner grants to the Council or the Council's Nominee being a Registered Provider 125 year (or longer) leasehold interests (or a freehold interest) in ten (10) Affordable Housing Units in accordance with the Affordable Housing Scheme (subject to Clause 6) and those Units have been constructed and have reached practical completion upon the terms and conditions contained in the Second Schedule hereto*

*3.7.3 the Owner covenants with the Council that not more than thirty seven (37) of the Open Market Housing Units shall be Occupied until the Owner has entered into a contract with the Council or the Council's Nominee being a Registered Provider to grant 125 year (or longer) leasehold or freehold interests in all of the Affordable Housing Units in accordance with the Affordable Housing Scheme (subject to Clause 6)*

*and to construct the same upon the terms and conditions contained in the Second Schedule hereto”*

As part of the appraisal process, the Local Authority’s Affordable Housing Officer has been consulted. The changes to the clause above are considered to be acceptable.

### **Transfer of Community Hub Land**

The applicant is proposing to replace clause 3.21 with the following:

*“within twenty six (26) months of Implementation to transfer the Community Hub Land together with the Community Hub Building Works substantially completed pursuant to paragraphs 3.11, 3.12, 3.13 and 3.17 to the Council and the terms of the aforesaid Transfer shall be substantially in the form of the Transfer attached at Schedule Five of this Agreement”*

The reasons for the applicant seeking this modifications is David Wilson North Thames has identified a benefit in retaining ownership and management of the Open Space Land and using that land to deliver part of the drainage strategy. This change would remove the liability for on-going maintenance from the Council and enable all public spaces within the site to be maintained by one management company. This reason for modification and the proposed amendment to clause 3.21 is considered acceptable.

### **Conclusion**

The Local Planning Authority considers the proposed changes to the S106 are acceptable. As part of the appraisal process the Green Spaces, Property Services, Affordable Housing and Legal departments have been consulted. This application is recommended for approval.