LOCATION: Dollis Valley Estate (Phase 3) Barnet EN5 2TS

REFERENCE: 18/5561/S73

Received: 14 Sep 2018

Accepted: 18 Sep 2018

WARD: Underhill

expiry: 18 Dec 2018

APPLICANT: Mr Robin Williamson

PROPOSAL: Variation of Condition 1 (approved drawings) to facilitate minor changes to unit mix, numbers and other minor amendments for Phase 3 of Dollis Valley Estate in relation to Reserved Matters application, reference 17/5168/RMA, seeking approval of landscaping, appearance, scale, access and layout for Phase 3 of the Dollis Valley Regeneration pursuant to Condition 7 of the hybrid planning permission reference B/00354/13 dated 01/10/2013 involving the erection of 117 residential dwellings (Use Class C3) comprising 61 houses and 56 apartments, including associated infrastructure, car parking and landscaping, together with details to discharge the requirements of the following conditions: 6 Phasing and Implementation Strategy, 7 Reserved Matters to be submitted per Phase, 39 Childrens Play Space, 48 Archaeology, 53 Sound insulation, 89 Daylight, sunlight and overshadowing assessment.

APPLICATION SUMMARY

Agenda Item 10 (Dollis Valley Phase 3) of the Planning Committee meeting of the 11th December 2018 was deferred by members ‘so as to receive more information regarding the restrictive covenants contained in the leases with L&Q/Countryside for new flats on the estate which the committee had been informed by the speaker prevented leaseholders from objecting to any planning applications for the estate.

The original officer planning report to the 11th December is included as Appendix A which sets out the full officer assessment of the proposal.

The applicant has provided a copy of a standard lease agreement which applies to all privately sold properties on the Dollis Valley Estate. A copy of this is included as Appendix B. Page 22, item 31 includes the following obligation on tenants.

31. Not to make or raise any objection to any planning application made by the Landlord (here meaning Countryside Properties (UK) Limited) or any associate or parent company of the Landlord or to any application for the variation of the
The applicant has advised that the above clause is not peculiar to the Dollis Valley Estate scheme, but is a standard lease term applied to all Countryside developments nationally. The applicant further elaborates that the clause does not prevent residents lodging neutral comments which raise concerns about the development, as the objector did who spoke at the 11th December Planning Committee meeting.

The applicant notes that there are other channels in which residents can raise concerns to the developer, and that in relation to the current application only the person who spoke raised such concerns and other residents have been supportive of the development which has been carried out to date.

Officers Legal advice has been sought in relation to the above and its bearing in relation to the determination of the application. Legal advice is that the wording of any restrictive covenant is not a material planning consideration and the proposal needs to be considered on its own planning merits.

In this regard account needs to be taken of the position of the scheme within the overall masterplan for the Dollis Valley Estate in which the scheme is providing 631 new residential units of which 406 are family sized homes. The proposed revised unit mix would continue to provide a good mix of units including family sized units to meet identified housing need. In relation to design, the proposed apartment buildings are small in scale at 3 storeys in height and the phase and development as a whole will continue to provide a mixture of houses and flats in accordance with the outline planning approval.

Accordingly the proposed lease does not alter the original officer recommendation, subject to the conditions set out below, the application is recommended for Approval.

RECOMMENDATION 1:

The Committee grants delegated authority to the Service Director Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

RECOMMENDATION 2: Approve Subject to Conditions
APPROVED DRAWINGS

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

**Masterplan Plans**
- CPL-DOL_HTA-A_D01-XX-DR_0001
- CPL-DOL_HTA-A_D01-XX-DR_0002
- CPL-DOL_HTA-A_D01-XX-DR_0003
- CPL-DOL_HTA-A_D01-XX-DR_0004
- CPL-DOL_HTA-A_D01-XX-DR_0100 REV A
- CPL-DOL_HTA-A_D01-XX-DR_0101 REV A
- CPL-DOL_HTA-A_D01-XX-DR_0102 REV A
- CPL-DOL_HTA-A_D01-XX-DR_0103 REV A
- CPL-DOL_HTA-A_D01-XX-DR_0104 REV A
- CPL-DOL_HTA-A_D01-XX-DR_0105 REV A

**Masterplan Sections**
- CPL-DOL_HTA-A_D01-S1-DR_0106 REV A
- CPL-DOL_HTA-A_D01-S1-DR_0107 REV A
- CPL-DOL_HTA-A_D01-S1-DR_0108 REV A
- CPL-DOL_HTA-A_D01-S1-DR_0109 REV A

**GA Houses**
- CPL-DOL_HTA-A_DV-1B-DR_0200 REV A
- CPL-DOL_HTA-A_DV-1C-DR_0201 REV A
- CPL-DOL_HTA-A_DV-5-DR_0203 REV A
- CPL-DOL_HTA-A_DV-7E-DR_0204 REV A
- CPL-DOL_HTA-A_DV-7E-DR_0205 REV A
- CPL-DOL_HTA-A_DV-11A-DR_0206 REV A
- CPL-DOL_HTA-A_DV-11B-DR_0207 REV A
- CPL-DOL_HTA-A_DV-12-DR_0208 REV A
- CPL-DOL_HTA-A_DV-14-DR_0209 REV A
- CPL-DOL_HTA-A_DV-15A-DR_0210 REV A
- CPL-DOL_HTA-A_DV-15A-DR_0211 REV A

**Block 4 – GA**
- CPL-DOL_HTA-A_B4-XX-DR_0212
- CPL-DOL_HTA-A_B4-B1-DR_0213
- CPL-DOL_HTA-A_B4-00-DR_0214
- CPL-DOL_HTA-A_B4-01-DR_0215
- CPL-DOL_HTA-A_B4-02-DR_0216
- CPL-DOL_HTA-A_B4-03-DR_0217
- CPL-DOL_HTA-A_B4-R1-DR_0218
- CPL-DOL_HTA-A_B4-E1-DR_0219
- CPL-DOL_HTA-A_B4-E2-DR_0220
- CPL-DOL_HTA-A_B4-S1-DR_0221

**Block 6 – GA**
- PL-DOL_HTA-A_B6-XX-DR_0222
- CPL-DOL_HTA-A_B6-00-DR_0223
- CPL-DOL_HTA-A_B6-01-DR_0224
- CPL-DOL_HTA-A_B6-02-DR_0225
- CPL-DOL_HTA-A_B6-03-DR_0226
- CPL-DOL_HTA-A_B6-R1-DR_0227
2. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1980 (or any Order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever.

Reason: To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development

3. 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) no additional windows or doors shall be inserted into any of the residential dwellings hereby approved, other than those expressly authorised by this permission.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties and to safeguard the character of the locality in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

4. 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) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part of the roof of the building(s) 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 townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policy DM01 and DM18 of the Adopted Barnet Development Management Policies DPD (2012).

5. Prior to commencement of the development hereby permitted, a scheme for the provision of communal/centralised satellite and television reception equipment to be installed on the roof of all apartment blocks hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details approved and the equipment shall thereafter be retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the townscape and character of the area, so that it accords with policies CS5 and DM01 Barnet Local Plan.

6. Prior to the commencement of the development hereby approved, details of architectural features within this phase shall be submitted at the appropriate scale (1:10/1:20) to the Local Planning Authority and agreed in writing. These details shall be in general accordance with the principles outlined at page 33 of the Reserved Matters Design and Access Statement section 9.2 Materials and Details - Apartment Blocks (as amended and received 17/07/2014). These details should include (but are not limited to):
• Balconies and balustrades (including soffit details)
• Roof parapets
• Entrances to apartment blocks
• Apartment block building splays
• Porches
• Window reveals
• Dormer Windows
• Location and design of rainwater goods
• Brick detailing on car park

The development shall be carried out in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

7. The details required to be submitted under condition 38 (Hard and Soft Landscaping) of the Hybrid Planning Permission B/00354/13 in relation to this phase shall be in general accordance with the principles outlined in Section 12.7 Streetscape Character (page 102 amended 21/07/2014) of the Phase 2 Design and Access Statement and the indicative planting strategy illustrated on drawing SK-140716-01 dated 16.07.2014.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

8. Before the development hereby permitted is occupied the car parking spaces for phase Three as shown on Drawing No. CPL-DOL_HTA-A_D01-XX-DR_0102 Rev. A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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