

**LOCATION:** 4 Oakleigh Park South, London, N20 9JU

**REFERENCE:** B/01702/14

**WARD:** Oakleigh

**APPLICANT:** Simon Gerrard, Asserson Law Offices

**PROPOSAL:** Variation of S106 agreement attached to planning permission B/04195/10 dated 14th December 2010 to accurately reflect the part implementation of this permission in respect of the construction of two detached houses only.

**RECOMMENDATION:**

That, subject to the completion of all necessary legal & other documentation, a Deed of Variation to the Section 106 agreement attached to planning permission B/04195/10 is authorised to secure the following:

Education Contribution - £23,898

Health Contribution - £4,032

Libraries Contribution - £488

**1. BACKGROUND**

Two planning applications have been approved which relate to the site 4 Oakleigh Park South, both applications were granted subject to Section 106 agreements being signed. The agreement which accompanied the 2010 application is what the applicants are seeking to vary.

In December 2010 the London Borough of Barnet resolved that subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) permission should be granted for application B/04195/10 in respect of the conversion of existing building to 6 self-contained flats with associated parking and erection of 2 detached houses subject to conditions.

The decision notice was issued on 23<sup>rd</sup> December 2010 after the completion of an agreement dated 14<sup>th</sup> December 2010 setting out various obligations in relation to the proposed development.

In March 2012 the Planning Sub Committee resolved that subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) permission should be granted for application B/04761/11 in respect of

demolition of existing building and erection of new block of 7 flats and basement car parking subject to conditions.

The decision notice was issued on 27<sup>th</sup> March 2012 after completion of an agreement dated 23<sup>rd</sup> March 2012 setting out various obligations in relation to the proposed development.

Both applications have been lawfully implemented with the B/04761/11 development of a new block of seven flats being largely completed. The application seeks to modify the Section 106 agreement in order to reflect the applicants' intentions in respect of the 2010 permission.

## **2. 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 the 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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

### 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.

### Planning Obligations SPD

Supplementary Planning Document - Planning Obligations  
Supplementary Planning Document - Contributions to Education  
Supplementary Planning Document - Contributions to Libraries  
Supplementary Planning Document - Contributions to Healthcare Facilities from Development

### The London Plan

Policy 6A.4

## Relevant Planning History

B/04195/10 – Full Application – Conditionally approved 23/12/2010 - Demolition of side and rear additions to the existing residential building and alterations and extensions including new dormer windows. Conversion of building into 6 self-contained residential flats with 7 off-street car parking spaces. Erection of 2 two storey plus rooms in the roofspace detached dwelling houses with lower ground floor to house no. 1, with integral garages and off-street car parking spaces. Associated hard and soft landscaping and new vehicular accesses. Subject to a Legal Agreement securing contributions totalling £47,690.50 in respect of Education, Health, Libraries and Monitoring.

B/02573/11 – Non-Material Amendment – Conditionally approved 18/08/2011 - Non-material minor amendment to planning permission reference B/04195/10 dated 23/12/10. Amendments to include use of additional volume of under-floor void at ground floor and one additional side flank window at lower ground floor. Formation of rear bay at lower ground floor and use of roof void as part of flat number 5 and one flank facing roof light.

B/03001/11 – Conditions Application – Approved 06/02/2012 - Submission of details of conditions 4 (Levels), 5 (Materials), 6 (Site Enclosure), 7 (Refuse) and 11 (Landscaping) pursuant to planning permission B/04195/10 dated 23/12/10.

B/04761/11 – Full Application – Conditionally approved 27/03/2012 - Erection of a three storey building with rooms in the roof space and lower ground floor car parking providing 7no. car parking spaces to create 7no. self-contained flats and a total of 9 car parking spaces following the demolition of the existing building.

B/01661/12 – Conditions Application – Approved 19/06/2012 - Submission of details for condition 16 (Demolition and Construction Plan) pursuant to planning permission B/04761/11 dated 27/03/12.

B/02765/12 – Conditions Application – Approved 26/09/2012 - Submission of details of Conditions 4 (Levels); 5 (Materials); 7 (Refuse); 11 (Landscaping details) pursuant to planning permission B/024761/11 dated 27/03/12.

## Site Description and Surroundings

The site sits on the southern side of Oakleigh Park South and is close to the junction of Oakleigh Park South and Oakleigh Road North. Contained within the application site was a formally large Victorian villa that was later used as a convent building, including large gardens at the side and rear.

Oakleigh Road South is predominately a residential road with several large properties, some of which have been converted into self-contained units. There is also a school at the south western end of the road to which this site adjoins.

### **3. APPRAISAL**

The agreement which is subject of this application is related to the 2010 permission which covered the whole of the site, 4 Oakleigh Park South and comprised the following elements:

- a) Part demolition of existing convent building and conversion of remaining part of convent building to 6 flats with associated parking
- b) Erection of 2 detached houses on the remaining north eastern part of the site.

The agreement relating to the development sought contributions in respect of both elements of the scheme.

The planning permission granted in 2012 related solely to that part of the site occupied by the convent building. As stated previously this permission has been implemented, the former convent building has been demolished and the new block of flats is virtually complete. This is subject to its own separate legal agreement relating solely to the new build block of 7 flats.

The current situation is that the applicant is intending to complete the two detached houses which have permission from the 2010 scheme and is seeking to vary the legal agreement so that it fairly reflects the current situation in that it applies solely to the two detached houses and does not include the 6 flat element of that scheme which is not capable of implementation or completion.

The revised contributions are set out below:

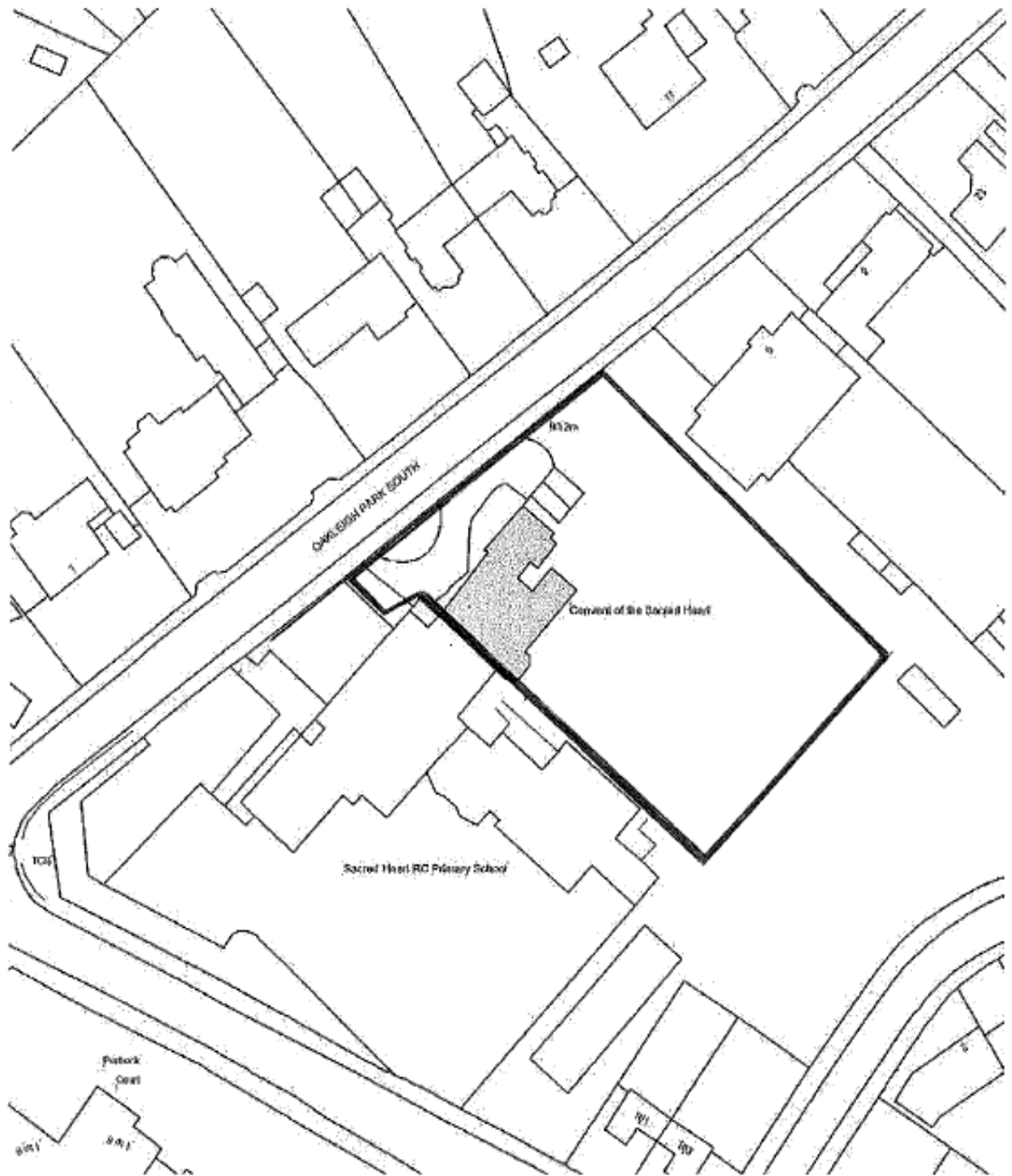
Education Contribution - £23,898

Health Contribution - £4,032

Libraries Contribution - £488

The proposed amended agreement is considered to be acceptable and approval is required.

**SITE LOCATION PLAN: 4 Oakleigh Park South, London, N20 9JU**



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