

LOCATION: 51 Uphill Road, London, NW7 4PR
REFERENCE: H/01208/12 **Received:** 26 March 2012
Accepted: 27 March 2012
WARD: Mill Hill **Expiry:** 22 May 2012

Final Revisions:

APPLICANT: Excelsior Properties Limited
PROPOSAL: Erection of 2 storey single family dwelling including rooms in roofspace at former Tennis Courts to the rear of 51 Uphill Road. Associated landscaping and erection of detached outbuilding.

**Approve Subject to S106
Subject to a Section 106 Agreement**

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying 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 **Education Facilities (excl. libraries) £11,949.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**
A contribution towards Health Facilities and Resources in the borough

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/01208/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 6128- PL- 12- 001, 6128- PL- 12- 011 C, 6128- PL- 12- 002 C, 6128- PL- 12- 003 A, 6128- PL- 12- 004 A, 6128- PL- 12- 005 B, 6128- PL- 12- 006 B, 6128- PL- 12- 007 C, 6128- PL- 12- 008 A, 6128- PL- 12- 009 A, 6128- PL- 12- 010 A, 6128- PL- 12- 012 A and 6128- PL- 12- 013.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance

with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

- 5 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 6128- PL- 12- 002 C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

- 6 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 7 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 8 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) 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.

- 9 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

- Reason:
To ensure a satisfactory appearance to the development.
- 10 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- Reason:
To ensure a satisfactory appearance to the development.
- 11 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- Reason:
To ensure a satisfactory appearance to the development.
- 12 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. 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.
- Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.
- 13 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- Reason:
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 14 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.
- Reason:
To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).
- 15 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason

To safeguard residential amenity.

- 16 The roof of the extension hereby permitted (other than the approved first floor balcony) shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

- 17 No siteworks or works on this development shall be commenced before 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* are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 18 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 windows, other than those expressly authorised by this permission, shall be placed at any time in any elevation.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D6, D13, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H16, H18, H23, H26, H27, M14

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (Examination in Public version) 2012: CS4 and CS5

Development Management Policies (Examination in Public version)2012:

DM01 and DM08

ii) The proposal is acceptable for the following reason(s): - The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and the character of the area. It complies with all relevant council policy and design guidance.

2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process. The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of **£7630**.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out

in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

RECOMMENDATION III

That if an agreement has not been completed by 12/9/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development should REFUSE the application H/01208/12 under delegated powers for the following reason:

The development does not include a former undertaking to provide financial contributions towards the additional pressure created by the development that will be placed on existing library, education, health facilities or necessary improvements to the local bus stop facility. Further, it does not include details of how the monitoring of the undertaking will be met. All the above are necessary for the proposal to be acceptable, therefore it is contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan and the Barnet Supplementary Planning Documents: Contributions to Library Services from Development (Feb 2008), Contributions to Education from Development (Feb 2008), Contributions to Health Facilities from Development (July 2009) and Planning Obligations (Sept 2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan: July 2011

Various including 3.4, 3.5, 5.3, 7.4.

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D3, D6, D13, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H16, H18, H23, H26, H27, M14

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS4 and CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01 and DM08

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|---------------------|--|----------------------|--------------|
| Application: | Planning | Number: | H/01208/12 |
| Validated: | 27/03/2012 | Type: | APF |
| Status: | REG | Date: | |
| Summary: | DEL | Case Officer: | Sally Fraser |
| Description: | Erection of 2 storey single family dwelling including rooms in roofspace at former Tennis Courts to the rear of 51 Uphill Road. Associated landscaping and erection of detached outbuilding. | | |

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|---------------------|---|----------------------|--------------|
| Application: | Planning | Number: | H/001414/10 |
| Validated: | | Type: | S73 |
| Status: | DEC | Date: | |
| Summary: | APC | Case Officer: | Sally Fraser |
| Description: | 4 new houses to the rear of number 53 Uphill Road | | |

Consultations and Views Expressed:

Neighbours Consulted: 22 Replies: 3
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- overdevelopment
- out of character with the area
- increased noise and disturbance
- increase in traffic
- the loss of greenery

Date of Site Notice: 05 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a piece of land to the rear of 51 Uphill Road, which was previously used as a tennis court for the purposes of number 51 Uphill Road.

Permission was granted for 4 new houses on the site immediately to the north west, to the rear of 53 Uphill Road, accessed via a new road between numbers 51 and 53.

There are protected trees on the northern boundary of the site.

The surrounding area consists of large detached houses.

Proposal:

The applicant requests permission for the erection of a 6 bedroom single family dwelling house with detached garage, accessed via the new road between numbers 51 and 53.

The detached double garage would be located to the east of the main house and would, as amended, be 4.5m high with a hipped roof.

The house would have 3 levels of accommodation, with 3 front and rear dormer windows. There would be a balcony at first floor to the rear.

The property, as amended, would be traditional in design with a hipped roof. The overall height of the roof and the eaves level have been lowered on request to match that of the 4 new houses to the north west.

Planning Considerations:

The height of the property has been reduced and it now would be in keeping with the size of the 4 new houses. The surrounding area consists of large detached dwellings and the proposed house would not detract from this character. It would not appear overly dominant, nor would the house appear cramped on the site.

There is a gap of 16m between the rear building line of the property and the rear boundary of the site and the house sits well within the plot, providing adequate amenity space for the future occupiers.

The drawings indicate that the development would not encroach into the root protection area of the protected trees on the northerly boundary. To ensure there would be no damage to these trees a method statement would be secured via condition. Conditions would ensure that sufficient green landscaping would be incorporated into the scheme.

The road between numbers 51 and 53 would provide suitable access to the site and there is ample on site parking to serve the development. The proposal is acceptable on Highways grounds.

There would be a gap of 30m between the rear elevation of the proposed house and the facing property at number 2 Foxwood Close, which would ensure that there would be no loss of privacy to either occupier.

The balcony to the rear is considered acceptable given the relative position of surrounding property in relation to the subject site and the mature screening, no overlooking would be caused.

Overall there would be no undue impacts on the amenities of any neighbouring occupier as a result of the proposal.

106 issues

The contributions required to meet the needs of the development are as follows. The contributions would be secured via a unilateral undertaking:

£11,949- education
£244 – libraries
£2016 – health
£710 – monitoring

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

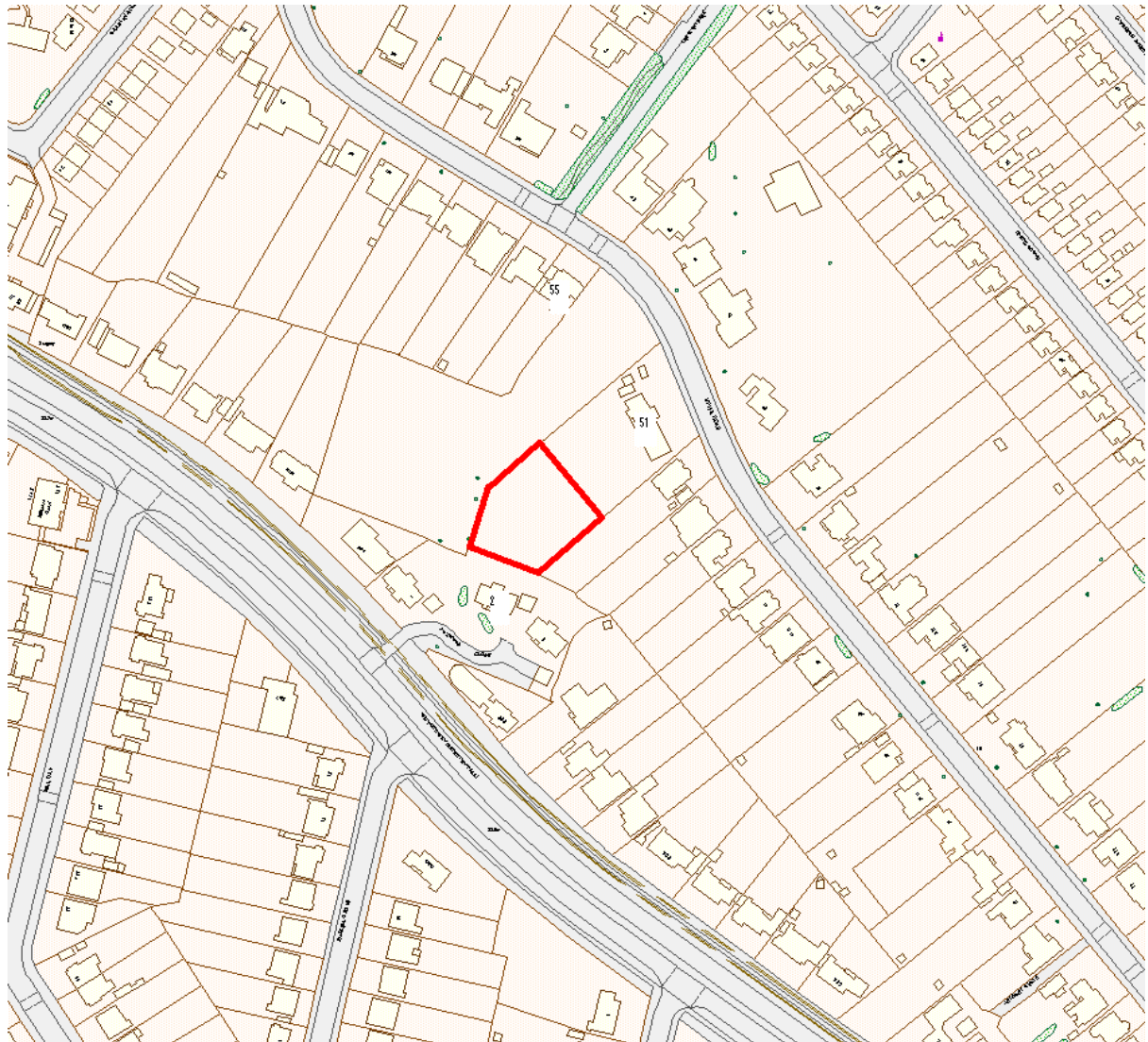
5. CONCLUSION

The proposed development complies with council policy and design guidance.

Approval is recommended.

SITE LOCATION PLAN: 51 Uphill Road, London, NW7 4PR

REFERENCE: H/01208/12



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