Recommendation: Approve subject to conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 421514-8, 9, 10, 11, 12, and proposed details consisting of Highways and Transport Report (Received 01-March-2016) and No. 782-001 (Received 02-June-2016).

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 This development must be begun within three years from the date of the original grant of planning permission (18/09/2015).

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

4 a) The development shall take place as per the details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site in accordance with the approved details as part of application 15/07587/CON dated 25/01/2016.
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

5

a) Site works shall take place on site in relation to the 'Demolition & Construction Method Statement' in accordance with the approved details as part of application 15/07587/CON dated 25/01/2016.

The Statement provides for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.


6

The proposed Hard and Soft landscaping shall be carried in association with the approved details as part of application 16/0113/CON - 17/02/2016 as follows:

a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) 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 in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD
(adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

7  a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011).

8  The proposed Tree Protection shall be carried in association with the approved details as part of application 15/06612/CON 05/11/2015 as follows:

a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.


9  Before the buildings hereby permitted are first occupied the proposed window(s) in the flank elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

The proposed means of enclosure should be constructed in accordance with the approved details as part of application 15/07587/CON dated 25/01/2016 and as follows:

a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, and means of subdividing the site, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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 in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Prior to the first occupation, the development hereby approved shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:
To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

Before the buildings hereby permitted are first occupied the proposed window(s) in the flank elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.


Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:
To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

14 No unit shall be occupied or brought into use until sight lines have been provided in full accordance with the details as per drawing number 782-001. The development shall be permanently maintained in accordance with the approved details thereafter.


15 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is on Uphill Road, opposite the junction with Green Avenue. The site does not fall within a conservation area nor is the original building statutorily listed.

The subject site is surrounded by a mixture of two storey buildings that comprise houses and flats. The character of the street is not outstanding in itself containing a varied architectural vernacular. The proposal site benefits from planning permission for 'Demolition of existing dwelling and erection of 2 no. three storey dwellings' under reference 15/04704/FUL dated 22 September 2015.
2. Site History

Reference: 15/00023/FUL
Address: 60 Uphill Road, London, NW7 4PU
Decision: Refused
Decision Date: 2 March 2015
Description: Construction of two detached houses following demolition of existing house

Reference: 15/04704/FUL
Address: 60 Uphill Road, London, NW7 4PU
Decision: Approved subject to conditions
Decision Date: 22 September 2015
Description: Demolition of existing dwelling and erection of 2 no. three storey dwellings

Reference: 15/06612/CON
Address: 60 Uphill Road, London, NW7 4PU
Decision: Approved
Decision Date: 5 November 2015
Description: Submission of details for condition 8 (Tree protection plan) pursuant to planning permission 15/04704/FUL dated 18 September 2015

Reference: 15/07484/CON
Address: 60 Uphill Road, London, NW7 4PU
Decision: Approved
Decision Date: 6 January 2016
Description: Submission of details of Condition 19 (Details of Tree Felling/Pruning Specification) pursuant to planning permission 15/04704/FUL dated 28/07/2015

Reference: 15/07587/CON
Address: 60 Uphill Road, London, NW7 4PU
Decision: Approved
Decision Date: 25 January 2016
Description: Submission of details for condition 4 (Levels), 5 (Demolition and Construction Method statement) and 10 (Means of enclosure) pursuant to planning permission 15/04704/FUL dated 18.09.2015

Reference: 16/00030/CON
Address: 60 Uphill Road, London, NW7 4PU
Decision: Refused
Decision Date: 16 February 2016
Description: Submission of details for condition 3 (Materials) and 16 (Drainage) pursuant to planning permission 15/04704/FUL dated 18.09.2015

Reference: 16/0113/CON
Address: 60 Uphill Road, London, NW7 4PU
Decision: Approved
Decision Date: 17 February 2016
Description: Submission of details for condition 6 (Landscaping) pursuant to planning permission 15/04704/FUL dated 18.09.2015

Reference: 16/0284/NMA
Address: 60 Uphill Road, London, NW7 4PU
Decision: Approved
3. Proposal
The current application proposes the "Variation of condition 14 (Vehicular Sight Line) pursuant to planning permission 15/04704/FUL dated 28/07/15 for `Demolition of existing dwelling and erection of 2 no three storey dwellings'.

4. Public Consultation
Consultation letters were sent to 18 neighbouring properties. 7 No. responses have been received by way of objections.
2No. speakers wish to speak at the committee.

Comments/objections:
*Road is used daily by hundreds of students walking to the local school and by several coaches that pick up students on this road.
*Road used as a cut-through to avoid the A1.
*Restricted visibility and hazardous to vehicles and pedestrians alike.
*Proposed lower driveway exit is particularly dangerous as it would be situated on an extremely sharp bend with restricted visibility in all directions.
*Majority of cars trigger the electronic speed sign, indicating that they are going in excess of 30 miles.
*Previously installed humps have been replaced with flashing warnings and vehicle speeds have again become excessive.
*The Highway Statement supporting the application contains several errors

5. Planning Considerations
5.1 Policy Context
National Planning Policy Framework and National Planning Practice Guidance
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 2015
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.

Barnet’s Local Plan (2012)
Barnet’s Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.
- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

Supplementary Planning Documents
Sustainable Design and Construction SPD (adopted April 2013)
- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Manual for Streets

5.2 Main issues for consideration
The main issues for consideration in this case are:
- Whether harm would be caused to highway and pedestrian safety

5.3 Assessment of proposals
The original condition is as follows:

a) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, no development shall take place until full details (including scaled drawings) demonstrating how a vehicular sight line of 4.5 metres by 43 metres either side of the proposed site access with the Public Highway will be provided has been submitted to and approved in writing by the Local Planning Authority.

b) No unit shall be occupied or brought into use until the development has been implemented in full accordance with the details as approved under this condition. The development shall be permanently maintained in accordance with the approved details thereafter.

This application initially proposed the removal of condition 14 attached to the original grant of planning permission. However, the application has now been amended to vary Condition 14 by substituting 4.5 metres originally required to 2 metres now proposed.

Schemes are required to meet the requirements of the associated policies in relation to Highway and pedestrian safety in conjunction with new developments. During the initial planning application it was considered that a condition should be submitted in order to assess any impact in relation to the Highway.

Visibility splays and sight lines are an essential feature of an access or junction as it allows traffic on the minor road to see cyclists, vehicles and pedestrians on the main road. An unobstructed visibility splay or sight line allows a motorist to see and be seen and with appropriate visibility splays or sight lines, road users have time to see and react to any potential incident.

The applicants have submitted information in support of the variation of condition 14 stating that the variation would not compromise the safety of pedestrians and indeed the Highway. The submission of plan No. 782-001 which is an amended drawing received after the initial Highways and Transport Report was submitted. The plan indicates a visibility splay taken from the North West front element of the site of 46.75 metres, with the South of the front element of the site achieving a 73.5m visibility splay known as the Y distance and an X distance of 2m.

The Highways Officer has confirmed that they are satisfied with the information submitted and that condition 14 can be varied as proposed.

It is considered that on this basis, the variation of the condition is acceptable on highway grounds and therefore condition 14 (Vehicular Sight Line) pursuant to planning permission 15/04704/FUL is recommended for approval.

5.4 Response to Public Consultation

Comments and objections received related to the implication of the removal of Condition 14. As the application has been changed from removal to variation, it is considered that the comments have been dealt with within the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed variation of condition 14 is considered acceptable and the resultant scheme would comply with the requirements of the Development Plan and Manual for Streets.