

LOCATION: Woodstock Vehicle Recovery Specialists, 94 Woodstock Avenue, London, NW11 9RJ
REFERENCE: F/02740/13 **Received:** 01 July 2013
Accepted: 01 July 2013
WARD(S): Golders Green **Expiry:** 26 August 2013

Final Revisions:

APPLICANT: Woodstock Motors

PROPOSAL: Removal of existing garage roof and replacement with a new aluminium mansard style roof. Repair and reinstatement of perimeter walls.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 309-13-01, 309-13-02, 309-13-03, 309-13-04, 309-13-05, 309-13-06, 309-13-07, 309-13-08, 309-13-09, 309-13-10 and Design and Access statement June 2012.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 During the specified hours of operation, the doors of the building shall remain closed at all times and works associated with the use shall be carried out inside the building.

Reason:

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

- 5 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assess the likely noise impacts from the development with regards to its use as a garage. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety within 2 months of the report being approved.

Reason:

To ensure that the amenities of occupiers are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 6 Before the development hereby permitted commences on site, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assess the noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented within 2 months of the report being approved.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 7 A scheme for close boarded fencing on the boundary between the frontages of 92 and 94 Woodstock Avenue shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 The proposal will result in the removal of a roof constructed from corrugated asbestos. The removal of certain types of asbestos is controlled by the Control of Asbestos Regulations 2012 and will need to be undertaken by a licensed contractor. Further details on the removal of asbestos can be found by contacting the Council's Environmental Health department.
- 3 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of

dwellings.

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

The London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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.

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 Council has also adopted (2013) following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS5, CS8.

Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM17.

Relevant Planning History:

Site Address: 94 Woodstock Avenue NW11

Application Number: C02883
Application Type: Full Application
Decision: Refuse
Decision Date: 19/08/1970
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Rebuilding existing garage/workshop**

Site Address: 94 Woodstock Avenue NW11
Application Number: C02883A
Application Type: Full Application
Decision: Refuse
Decision Date: 13/02/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Reconstruction of roof over workshop area**

Site Address: 94 Woodstock Avenue LONDON NW11
Application Number: C02883C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/10/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey brick built office to replace existing timber shed**
Case Officer:

Site Address: 94 Woodstock Avenue LONDON NW11
Application Number: C02883B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/10/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey brick built office to replace existing timber shed**

Site Address: 94 Woodstock Avenue, London, NW11 9RJ
Application Number: F/03813/09
Application Type: Section 191
Decision: Lawful Development
Decision Date: 18/01/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Established use of car workshop, office and forecourt.**
Case Officer: Neetal Rajput

Site Address: Woodstock Vehicle Recovery Specialists, 94 Woodstock Avenue, London, NW11 9RJ
Application Number: F/03455/12
Application Type: Full Application
Decision: Refused
Decision Date: 22.11.12
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **To refurbish existing established motor vehicle repair garage and update to comply with MOT standards. The works to comprise the removal of the existing asbestos roof, to be disposed of in a safe and approved manner and replacement with new aluminium insulated**

composite roof, repair and reinstatement of existing perimeter walls, replacement of existing workshop floor. New roof to mansard style with flat crown to falls.

Site Address: 94 Woodstock Avenue, London, NW11 9RJ
Application Number: F/00920/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 15/04/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Removal of existing garage roof and replacement with a new aluminium mansard style roof including rooflights. Repair and reinstatement of perimeter walls and replacement of workshop floor.**

Case Officer: Neetal Rajput

Enforcement Notices

Reference Name

Description **Breach of Planning Control Alleged. Part III of Town and Country Planning Act 1971**

Consultations and Views Expressed:

Neighbours Consulted: 90

Replies: 10

Neighbours Wishing To

Speak: 1

The objections raised may be summarised as follows:

- After the renovations the premises which currently operates as a car workshop and 24 hour breakdown/recovery service will have the intention of extending its use to that of an MOT centre.
- As a result its use will be intensified and cause the following problems:
 - i. Extra traffic in a residential area;
 - ii. parking problems for residents and parents of Wessex Garden Primary school when they drop off and pick up their children;
 - iii. increased risk to children walking to and from school due to increased traffic;
 - iv. pollution from exhaust fumes of extra cars and traffic from the centre;
 - v. loss of privacy to residents, especially those living nearest to the site;
 - vi. congestion;
 - vii. additional noise created by cars and customers to the centre;
 - viii. insufficient parking at the site already. Expansion of the business to an MOT centre will exacerbate the situation; and
 - ix. the areas quality of life would be seriously affected.
- An MOT centre would be out of character in the area.
- The angle of the roof would be different from the current situation.
- The (proposed) roof has a significantly long top flat section.
- There is a mansard type, almost vertical section on the inside plane.
- There is a significant increase in the cubic content and although an additional floor is not proposed, development capacity has been increased, and this increase may well result in a material increase in activity as a second car lift

could be installed which would lead to a very high increase in business activity on a very small site.

- Existing use is a high intensity business which spills out onto the street and causes a significant highway problem. This includes the parking of tow trucks; the loading and unloading of trucks and customers parking in resident parking bays. The existing use has reached an operation level that is more than the site can take.
- If the extended roof allows for a moderate increase in business this will exacerbate the situation further.
- The proposal is contrary to LDF policies CS3 and UDP policies GBEEnv1, GBEEnv2, Env12, Env13, D2, D4, M11, M12 and M13 and the London Plan as well.
- A garage is inappropriate in this location.
- The application is clearly with the intent of changing the status of the property in the future to an MOT testing centre which is unsuitable for the area and out of character for the neighbourhood.
- The proposal will lead to an increase in vehicular movements, noise and disturbance detrimental to the residential amenity of neighbouring occupiers.
- By increasing the height of the roof they will be able to have trucks, vans and other large vehicles at the site.

Three letters provided the following comments:

- No objection subject to the proposal not being for an MOT testing station.
- The asbestos roof needs to be removed safely according to all regulations and as a condition of the planning permission.
- There should be no increase in height.
- The proposal should not enable overlooking of the rear gardens in Sandringham Road.
- The height should be no higher than the current wall.
- All windows should be obscure glazed.
- No work or materials should be carried out through the adjoining gardens or their access passage.

Internal /Other Consultations:

- Environmental Health - No objection subject to relevant conditions.
- Traffic and Transport – No objection as proposal is for refurbishment of an existing garage. No changes are proposed to the existing vehicle and pedestrian access and the proposal will retain the existing footprint.

Date of Site Notice: 18 July 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on Woodstock Avenue close to the junction with Wessex Way in the Golders Green ward. This particular part of Woodstock Avenue is considered to be predominantly residential in nature.

A certificate of lawfulness was granted (F/03813/09) in January 2010 for *established use of car workshop, office and forecourt*.

The application site is within a controlled parking zone for residents and the hours of operation are between 11am to midday.

Proposal:

The application relates to the removal of existing garage roof and replacement with a new aluminium mansard style roof including rooflights. It should be noted that there will be no increase in the height of the roof, only a change in style of the roof. There will also be the repair and reinstatement of perimeter walls and replacement of workshop which is currently in a poor condition.

The access to the building will remain as existing via the existing access road off Woodstock Avenue.

Planning Considerations:

The application is for replacement of the roof and repair and reinstatement of perimeter walls and as result it is the impact of these works only that can be considered as part of this application. Potential future uses of the premises such as an MOT testing centre would need to be the subject of a separate application and the issues surrounding those uses would be considered at that time.

Therefore the main considerations in this case are the previous reasons for refusal; and the impact of the alterations to the roof and repair and reinstatement of the perimeter walls on:

- Living conditions on existing/future residential occupiers surrounding the site.
- Character of the use of the site and surrounding area.

The previous application (F/03455/12) was for the change of use of part of the premises to an MOT testing centre and the removal of the existing garage roof and replacement with a new aluminium mansard style roof including rooflights. Repair and reinstatement of perimeter walls and replacement of workshop floor (Amended description). The application was reported to the West Area Planning Sub-Committee on the 22nd November 2012 with a recommendation for approval.

The application was refused permission for the following reason:

“The proposed Change of Use of the site to an MOT testing centre, by reason of its increased comings and goings, would cause unacceptable levels of noise and disturbance detrimental to the Residential Amenity of neighbouring occupiers contrary to DM04 of the Local Plan Development Management DPD 2012.”

The reason for refusal relates only to the use as an MOT testing centre and not to the proposed replacement of the roof and repair and reinstatement of the perimeter walls. These elements now form the basis for the current application.

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighborliness is a yardstick against which proposals can be measured.

Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted as stated in policy DM04 of the Development Management (2012).

The site currently runs as car garage, works include the fitting and sale of new tyres and general repair works. This use will continue.

Under the current proposal there will be no increase in the footprint of the building. The alterations to the roof to form a mansard roof would not appear to be obtrusive or over dominate as there is no increase in the overall height of the roof.

The current building is in a poor state of repair (there are large cracks in the rear and side walls which has resulted in the need for the current application) and due to its age is poorly constructed (single skin brick wall; asbestos roof etc).

The proposed walls will be rendered to match existing; UPVC double glazed window units will replace the existing timber units and the existing asbestos corrugated and tiled roof will be replaced with aluminium profiled roofing panels. The proposed materials and roof design are considered to reflect and respect the design of the existing building and thereby maintain the character and appearance of the streetscene.

The proposal would result in the building being brought up to modern standards and subject to a number of conditions recommended by the Council Scientific Officers improve noise insulation at the premise thereby reducing potential noise spillage from the building and enhancing the amenity for adjoining residents. The Councils Scientific Officers consider that the proposal would lower the high level noises to a level more in line with the general neighbouring road noise and thus potentially improve the situation for adjoining residents.

As a result it is considered that the proposed alterations to the site would not result in undue noise and disturbance which would be harmful to the amenities of those living at adjoining properties and the proposal is considered to accord with policy DM04 of the adopted Local Plan.

Policy DM14 of the adopted Local Plan relates to both the safety of road users and the road network. The Council will ensure that the safety of road users, particularly those at greater risk is taken fully into account when considering development proposals. Furthermore, the council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network, or increase the risk, or perceived risk to vulnerable road users. Within the application no changes are proposed to the use or the vehicle access and as a result given the established nature of the current use the proposal is considered

acceptable on highways grounds.

As a result of the above, this application is considered to have an acceptable impact on the character and appearance of Woodstock Avenue and surrounding locality. It is also considered to have a minimal impact on the surrounding public highway network and the safety of both road users and pedestrians. Furthermore, it is not considered to have an adverse impact on the residential amenities of neighbouring residents along Woodstock Avenue and Sandringham Road. This application is therefore recommended for approval, subject to conditions.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the majority of objections have been covered in the above appraisal. However, for clarity the following specific responses can be made:

- The application is NOT for an MOT testing station and as a result the impact of such a use is not a material consideration in the determination of this application.
- The angle and design of the roof will be marginally different from the current roof form, however, this is not considered to have an adverse impact on the character and appearance of the building.
- Although the cubic content has increased no additional floorspace is proposed. A car lift already exists on site and it is proposed to retain this facility. Due to the way that the workshop is laid out it is considered unlikely that a second car ramp could be installed at the premises. However, if Members are concerned about this issue then they could attach a condition restricting the premises to having only one car lift. At present this is currently not recommended.
- The existing use is established and has the benefit of an unfettered use. As a result the current business operates lawfully.
- The proposed alterations/replacement of the roof is not considered to result in an intensification of the use.
- The UDP has been replaced by the Local Plan and the current proposal has been considered against the relevant policies contained within both the London Plan and the Local Plan.
- The current use is lawful and as a result whether or not such a use should be located here is not a material consideration.
- The proposal will enable the current business to operate at current levels it is therefore not considered that it will lead to an increase in vehicular movements, noise and disturbance detrimental to the residential amenity of neighbouring occupiers.
- The removal of asbestos is controlled by the Control of Asbestos Regulations 2012 and will need to be undertaken by a licensed contractor as this is managed by non-planning legislation it cannot be conditioned. However, an informative is recommended to highlight the need for a licence to remove asbestos and for the work to be undertaken by a licensed contractor.
- How access for construction is achieved is a matter for the applicant and if access to or over a third parties land is required then this is a civil matter for

the parties involved.

4. EQUALITIES AND DIVERSITY ISSUES

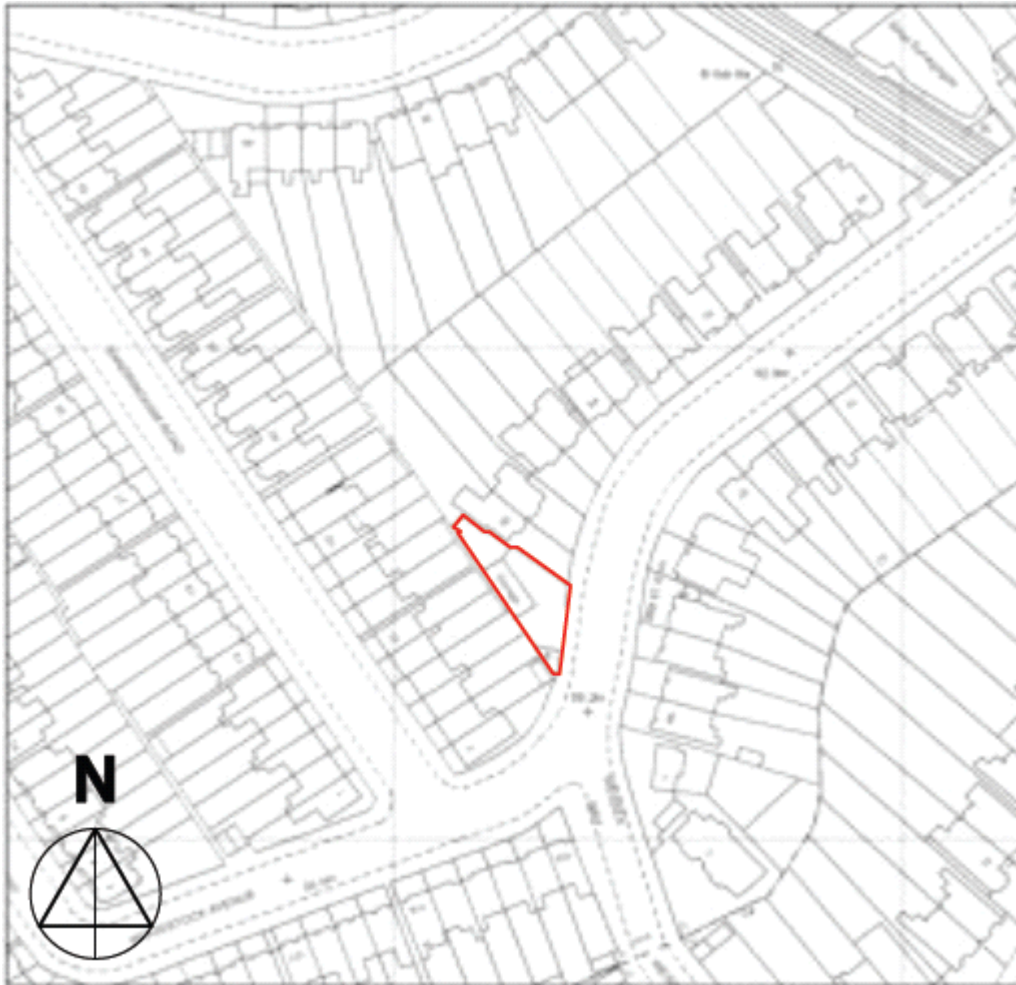
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Local Plan policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL.**

**SITE LOCATION PLAN: Woodstock Vehicle Recovery Specialists, 94
Woodstock Avenue, London, NW11 9RJ**

REFERENCE: F/02740/13



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