

LOCATION: Garages at Welbeck Close, London, N12 9TU

REFERENCE: F/03706/13 **Received:** 17 August 2013
Accepted: 19 August 2013

WARD(S): Woodhouse **Expiry:** 14 October 2013

Final Revisions:

APPLICANT: Mill Hill Properties Ltd

PROPOSAL: Demolition of existing garage block. Erection of two-storey building containing two self-contained flats. Two parking spaces and two bicycle spaces. Associated refuse store.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Report on Impact on trees by John Cromar's Arboricultural Company Limited; Drawing no.C174-101 Rev A; Drawing no.C174-102 Rev A; Drawing no.C174-103 Rev A (date received 19-Aug-2013); Drawing no.C174-104 Rev B; Drawing no.C174-105 Rev B; Drawing no.C174-106 Rev B; Drawing no.C174-107 Rev B; Drawing no.C174-109 Rev B (date received 11-Sep-2013).

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 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 character and visual amenities of the site and wider area and to ensure that the building is constructed 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) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 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 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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 5 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Before the permitted development commences details of the refuse collection arrangements, including details of a suitable refuse collection point, shall be submitted to and agreed by the Local Planning Authority, and shall be implemented as such thereafter.

Reason:

In the interest of highway safety 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.

- 7 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details.

Reason:

In the interests of highway safety 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.

- 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 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 Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 9 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 the front elevation facing no. 6 and no.6A Welbeck Close and to the side elevations facing no.7 and no.7 Welbeck Close and no.16-23 Oakhampton Court.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 10 Before the building hereby permitted is occupied the proposed window(s) in the front elevation facing no.6 and no.6A Welbeck Close and 16-23 Oakhampton Court 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.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet

Development Management Policies DPD (2012).

- 11 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 12 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 13 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 DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 14 The floor plan layout as shown on the hereby approved plans must be implemented and retained as such thereafter.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 15 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any

other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 16 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 17 Before the building hereby permitted is occupied the proposed privacy screen on the front elevation facing no. 6 and 6A Welbeck Close shall be installed and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a **£4,340.00** payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a **£16,740.00** payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing 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 provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving

public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 4 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- 5 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.

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.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS4, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM08, DM17.

Supplementary Planning Documents and Guidance

Residential Design Guidance SPD (April 2013)

Sustainable Design and Construction SPD (April 2013)

The Residential Design Guidance states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or

intrusive when viewed from surrounding areas.

Relevant Planning History:

None

Consultations and Views Expressed:

Neighbours Consulted: 113 Replies: 6

Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Scale, appearance and impact on surrounding area.
- Loss of light
- Loss of privacy
- Overlooking
- Impact on nature conservation particular to Beech tree
- Traffic
- Intensification/ overdevelopment of site – ‘concrete jungle’
- Double height of existing structure.
- Larger site required for development.
- Parking already an issue- two parking spaces unrealistic
- Drainage issues.
- Disruption to occupiers
- Narrow entrance which will be difficult for deliveries.
- Close proximity to existing houses.
- Health and safety concerns ie in the event of a fire difficult to access
- Removal of trees.
- Why is space not used for the community instead?
- Access during construction will be a problem
- Welbeck Close company owns the road not the applicant who is not a shareholder.

Internal /Other Consultations:

- Traffic & Development – The proposal is acceptable on Highways grounds (details below) and conditions have been recommended.
- Thames Water – would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Date of Site Notice: 22 August 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located to the south of a cul-de-sac known as Welbeck Close, accessed off Torrington Park within the Woodhouse Ward. The site currently accommodates 5 lock up garages.

Welbeck Close is a residential private road comprising of 7 no two storeys semi-detached and detached structures accommodating a total of 14 residential units. To the east and west of the Welbeck Close are blocks of flats and to the south are lock up garages serving the flats on Oakhampton Close.

Proposal:

The application is for the demolition of the existing garages and the erection of a two storey detached building comprising of two self-contained flats. The proposed development will be using the existing access to the site.

The application has been amended since the original submission to incorporate amendments to the front elevation.

Planning Considerations:

Impact on established character

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Policy DM01 states that proposed development should have an understanding of local characteristics and 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'. This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

There are no protected trees in the vicinity and therefore the removal of any trees

does not warrant permission.

The erection of a two storey building comprising of two self-contained flats is not considered to be out of character within its context as the other properties on Welbeck Close also accommodate two flats per structure. In addition, the massing of the proposed building reflects the massing of the existing properties and the proposed structure is in fact lower than the other structures on Welbeck Close; it is not considered that this will result in harm to the surrounding area.

Living conditions of neighbouring occupiers

One of the Council's 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 neighbourliness is a yardstick against which proposals can be measured.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Policy DM02 states that 'Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents'.

At present, the garages are sited to the west of the site closest to the boundary with Oakhampton Court and are within two metres from the boundary with no. 6 Welbeck Close to the north.

The proposed development will be sited 7.5 metres away from the flank wall of no. 6 Welbeck Close. By reducing the bulk immediately adjacent to no.6 Welbeck Close through the removal of the garages, it is considered that this will enhance the amenities enjoyed by no.6 Welbeck Close and reduce overshadowing of the garden at no. 6 caused by the existing garages.

There are no principal windows serving habitable rooms at the flank elevations of no.6 and no.7 Welbeck Close fronting the development. To ensure that there is no direct overlooking to the windows at no.6, the windows on the front elevation of the proposal will be opaque and fixed shut. Furthermore, there will be a distance of approximately 3.2 metres from no.7 Welbeck Close to the proposed development and no windows will be sited on the proposed side elevation facing no.7 Welbeck Close.

Table 2.4 of the Sustainable Design and Construction SPD sets out the Council's privacy standards. It states that in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.

The proposed windows facing Oakhampton Court are located approximately 15

metres from the closest habitable room window on Oakhampton Court. These windows are secondary windows serving the living/ dining rooms and are to be obscured glazing; this will be conditioned.

Furthermore, to the south of the site the distance between the nearest habitable windows to the proposed development is in excess of 21 metres and the proposal is therefore considered to be policy compliant in this respect. It must also be noted that there are garages adjacent to the site serving Oakhampton Court and therefore, it is not considered that the proposed units will result in overlooking or loss of privacy to the occupiers of this block of flats

The privacy distances detailed in the SPD are therefore exceeded and the windows are policy compliant. It is therefore concluded that the insertion of the two clear glazed windows would not give rise to unacceptable levels of overlooking to the gardens and windows of properties on Princes Park Avenue.

Living conditions of future occupiers

The proposed units comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011 and is considered to provide adequate internal space for future occupiers.

The proposed ground floor unit will have an internal floor space of 61.5 sqm which exceeds the minimum gross internal area (61 sqm) for a 2 bedroom unit with 3 occupiers.

The proposed first floor unit will have an internal floor space of 61.1 sqm which exceeds the minimum gross internal area (61sqm) for a 2 bedroom unit with 3 occupiers.

The proposed layout ensures that bedrooms are stacked above bedrooms and living/ dining areas are stacked above living/dining rooms. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. Approximately 26sqm of garden space has been provided for the ground floor unit to the south which will be accessed directly from the property.

The first floor flat will benefit from a private balcony with a privacy screen (to prevent overlooking onto the garden of no.6 Welbeck Close), with an area of approximately 15 sqm of outdoor amenity space. Although the amenity space allocated for the first floor flat is below the requirement (the unit requires at least 20sqm), given that the area is not considered to be an area of deficiency as defined in Map 10 of the Core Strategy and the site is located within 400 metres of the a local park, this is

considered acceptable and does not justify refusal of this application.

Highways

The proposal is for demolition of existing garage block, which is currently not associated with the existing residential units, and construction of a residential block consisting of 2 2-bedroom flats. A total of two off street parking spaces will be provided, one for each unit, accessed via existing vehicle access. The applicant has provided a swept path plan showing that vehicles can turn within the site allowing vehicles to enter and exit in a forward manner. The parking provision is in accordance with the parking standards in the Local Plan.

The site is located in Welbeck Close is accessed from Torrington Park which is within a Controlled Parking Zone.

The proposal is acceptable on highways grounds as it is not expected to have a detrimental impact on the public highways. Conditions have been added to the recommendation requesting for a Construction Management Plan and details of the refuse collection arrangements to be provided.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013. The proposal is liable for the increase in floorspace which has an area of 124 sqm. Therefore the Mayoral CIL required is **£4,340.00** and the Barnet CIL required is **£16,740.00**.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that all planning related comments raised by objectors have been addressed in the report above.

The agent has confirmed that the applicant has the right to access the site and therefore the use of Welbeck Close during construction should planning approval be granted, is a civil matter and not a planning consideration.

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 Barnet Local Plan policies and guidance 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: **Garages at Welbeck Close, London, N12 9TU**

REFERENCE: **F/03706/13**



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