

LOCATION: 23-25 Woodstock Road, London, NW11 8ES

REFERENCE: F/00683/14

Received: 06 February 2014

Accepted: 07 March 2014

WARD: Childs Hill

Expiry: 02 May 2014

Final Revisions:

APPLICANT: Noble House Ventures

PROPOSAL: Demolition of the existing buildings, and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 9 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces.

Approve Subject to S106

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 **Highways (traffic order) £2000.00**
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 4 **Monitoring of the Agreement £100.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: F/00683/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 654-S01, 654-SS.01A, 654-SS.02A, 654-GA.01A, 654-GA.02A, 654-GA.03A, 654-GA.04A, 654-GA.05A, 654-GA.06A, 654-GA.07A, 654-GA.08A, 654-GA.09A, 654-GA.10A, 654-GA.11A, 654-SU.01, 654-SU.02, 654-SU.03, 654-SU.04,

654-SU.05, 654-SU.06, 654-SU.07, 654-SU.08, 654-SU.09, Code for Sustainable Homes, Planning Statement, Schedule of Accommodation.

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 Prior to occupation the approved development shall make provision of cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport 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.

- 4 Prior to the commencement of development details of the layout of the front forecourt including the design and location of the proposed pedestrian access; refuse store; landscaping and parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that parking is provided in accordance with policies DM01 and DM17 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 and 7.6 of the London Plan 2011.

- 5 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.

- 6 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.

- 7 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 in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 8 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).

- 9 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

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.

- 10 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 11 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.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of

occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 14 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely 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 in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises 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.

- 15 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) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and 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).

- 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 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide 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. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to. A vibration monitor shall be installed on site in accordance with details to be agreed with the Local Planning Authority to ensure compliance with British Construction Guideline standards.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 18 With the exception of areas marked as terraces on the approved plans listed in condition 1, the flat roof areas of the building hereby permitted shall only be used in connection with the repair and maintenance of the buildings 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 19 Before the development hereby permitted is occupied, the outdoor amenity areas shall be implemented as indicated on plan S01A and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 20 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.

- 21 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

- 22 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

INFORMATIVE(S):

- 1 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 £20,213.20 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 £77,965.20 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.

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 at: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 In case if any modification is proposed or required to the existing access off the public highway, then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from DRS, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, DRS, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

- 4 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development,

recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

RECOMMENDATION III:

That if an agreement has not been completed by 3/10/2014, that unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application F/00683/14 under delegated powers for the following reasons:

1. The development would require a section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the costs of amending the traffic order contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

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 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 Londoner's benefit from sustainable improvements to their quality of life.

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). 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.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM08, DM17.

Other Material Considerations:

Residential Design Guidance (April 2013)
Sustainable Design and Construction (April 2013)
Planning Obligations SPD (April 2013)

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Sustainable Design SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet. Section 2 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Chapter 15 of the Council's Guide 'Residential Design' seeks to revise and upgrade Design Guidance Note 7 which deals with Residential Conversions. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design conversions which would receive favourable consideration by the Local Planning Authority and sets out how the council considers applications for the conversion of single family homes into two or more self-contained units.

Included advice specifies that when conversions seek new exterior alterations, such as replacement windows, doors or porches, these should reflect the prevailing local character and enhance, not disrupt, the streetscape. Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy issues, parking problems or have adverse effects on residential amenity. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Planning Obligations SPD sets the requirements for different scales of

development and obtaining Planning Obligations for open spaces, transport, community facilities and environmental requirements. It has been adopted alongside the Barnet's CIL Charging Schedule in May 2013, which replaces the previous obligations towards Education, Libraries and Health, and is a flat rate charge for all development as specified in the CIL Charging Schedule.

Relevant Planning History:

Application:	Planning	Number:	F/00888/08
Validated:	26/06/2008	Type:	191
Status:	DEC	Date:	14/08/2008
Summary:	LW	Case Officer:	Alissa Fawcett
Description:	Retention of use of ground floor as two self-contained flats.		

Site Address: 23 Woodstock Road LONDON NW11
Application Number: C08279F
Application Type:
Decision: Unlawful Development
Decision Date: 13/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use as a Guest House (Established Use Certificate)**
Case Officer:

Site Address: 23 Woodstock Road NW11
Application Number: C08279
Application Type: Full Application
Decision: Refuse
Decision Date: 23/11/1983
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion to three self contained flats, two storey side extension, part single, part two storey rear extension, front side and rear dormer windows.**

Site Address: 23 Woodstock Road NW11
Application Number: C08279A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 08/08/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey front extension, basement and ground floor rear extension, dormer window and alterations, dustbin enclosure and two parking spaces and conversion to three self contained flats.**

Site Address: 23-25 Woodstock Road LONDON NW11
Application Number: C08279B
Application Type: Full Application
Decision: Refuse
Decision Date: 20/04/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use as guest house, single storey rear extensions, two storey side extensions, and eight off-street parking spaces**

Site Address: 23 & 25 Woodstock Road LONDON NW11
Application Number: C08279C

Application Type: Full Application
Decision: Refuse
Decision Date: 16/11/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use as guest house, single storey rear extension to 25, two storey side extensions to 23 and 25 and seven parking spaces**

Site Address: 23-25 Woodstock Road LONDON NW11
Application Number: C08279D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Residential development incorporating six flats on four floors with basement level swimming pool and car parking for 8 cars and new vehicular access.**

Site Address: 23-25 Woodstock Road LONDON NW11
Application Number: C08279E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 16/04/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Residential development incorporating 6 flats on four floors with basement level swimming pool and car parking for 8 cars. New vehicular access.**

Site Address: 23-25 WOODSTOCK ROAD GOLDERS GREEN LONDON NW11
Application Number: C08279G/99
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/05/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground and first floor side and rear extensions, loft conversion incorporating dormer windows to front, sides and rear to create five residential units.**

Case Officer: Clive Townsend

Enforcement Notices picked up in spatial search

Reference Name	PLG.4056.PJP/JM
Description	Enforcement Notice served under Section 172 of the Town & country Planning Act 1990. (The making of a material change in the use of the premises, namely the commencement of the current use for multiple paying occupation).
Reference Name	BTP.20.1478.PZ/SW
Description	Enforcement Notice served under Section 87 of the Town & Country Planning act 1971. (The making of a material change in the use of the premises, namely, the commencement of the present use for guest house purposes.)

Consultations and Views Expressed:

Neighbours Consulted: 83 Replies: 34
Neighbours Wishing To Speak 2

21 letters of objection were received. The objections raised may be summarised as follows:

- No other basements in Woodstock Road.
- Out of character.
- Building would be closer to the road.
- Water pressure in the street is insufficient and this will make the situation worse.
- Noise and disturbance from building works - in particular as other developments have been underway over the last few years.
- Lack of on-street parking.
- Woodstock Road was a quite family road this type of development is out of character and devaluing properties.
- The existing building adds to the character of the road.
- The street has an excess of commercial signage which detracts from the character and appearance.
- Overdevelopment..
- Proposal is a 33% increase in units; a 27% increase in the number of bedrooms and a 110% increase in floorspace.
- Insufficient parking

13 letters of support were received for the application. The points raised were as follows:

- Property is already flats and a new block would improve the appearance of the road.
- Current building is an eyesore and this will improve it.
- Woodstock Road needs more flats.
- Woodstock Road is mainly flats

Internal /Other Consultations:

- Thames Water Devt Control - No comments
- Traffic & Development - No objection subject to a S106 agreement preventing future residents from purchasing car parking permits
- Environmental Health - No objection subject to a number of conditions

Date of Site Notice: 27 February 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

23/25 Woodstock Road is a pair of semi detached properties located on the south side of Woodstock Road equidistant between the junctions with Armitage Road and Hodford Road. The property has been converted into six flats. The front garden of the property has been hardsurfaced and provides off street parking for approx 4 cars serviced by a dropped kerb. An all-day CPZ operates in the street. Levels rise from

the back edge of the footpath so that the front door is elevated above the street.

The surrounding area is predominantly residential although within close proximity of Golders Green Town Centre. The street is characterised by a mix of original houses; in-fill developments including purpose built blocks of flats. Property's are predominantly two storey although the majority of properties on this side of the road have had their roofs converted to accommodation through the use of front/ side and rear dormers.

The site has a PTAL of 6a.

Proposal:

The application is for the demolition of the existing building and the erection of 1, three storey building, plus basement and rooms within the roofspace to provide 9 self contained flats and 4 off street parking spaces. Details of access; landscaping and refuse facilities have been submitted as part of the application.

The proposed 9 flats would provide 6 x two bed units and 3 x 3 bed units.

The GIA for each of the units are as follows:

Ground and Basement

Flat 1 (3 bed, 5 person) 187sqm

Flat 2 (3 bed, 5 person) 187sqm

First Floor

Flat 3 (2 bed, 3 person) 66sqm

Flat 4 (2 bed, 3 person) 75sqm

Flat 5 (2 bed, 4 person) 66sqm

Second Floor

Flat 6 (2 bed, 3 person) 66sqm

Flat 7 (2 bed, 3 person) 75sqm

Flat 8 (2 bed, 4 person) 66sqm

Roofspace

Flat 9 (3 bed, 6 person) 126sqm

The basement/ground floor flats would have the benefit of their own private amenity space immediately adjacent to the rear elevation. The first floor units would have a rear balcony and the remainder of the rear garden would provide a communal garden for the remaining units.

Planning Considerations:

The main issues in this case are considered to be covered by the following main areas:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Principle of self contained units

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, particularly in Town Centre locations 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 CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas. The assessment of these is considered at below.

Development Plan Policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The principle of demolition is considered acceptable. The properties are not within a conservation area and are not of particular architectural merit to warrant its retention. Furthermore, there are other examples of purpose built block of flats in the vicinity and therefore the principle of flatted development would not be out of character with the locale.

Density

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has excellent accessibility and benefits from the highest PTAL of 6a. It is considered to fall within an urban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 45 to 185 units per hectare and 200 to 700 habitable rooms per hectare. The site is approximately 0.09 hectares in size, proposes 9 flats with a total of 39 habitable rooms. The proposal for 9 flats would equate to a density of 100 units per hectare (433 habitable room per ha).

All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objection on this matter.

Standard of accommodation provided and amenities of future occupiers of the proposed units

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayor's Housing Supplementary Planning Guidance, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers.

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. Two of the proposed units (flats 5 and 8) would fail to meet this standard.

	<i>Size of Unit</i>	<i>Floorspace provided</i>	<i>Minimum space standard</i>
Flat 1	3 bed, 5 person	187 sqm	86sqm
Flat 2	3 bed, 5 person	187 sqm	86sqm
Flat 3	2 bed, 3 person	66 sqm	61sqm

Flat 4	2 bed, 3 person	75sqm	61sqm
Flat 5	2 bed, 4 person	66sqm	70sqm
Flat 6	2 bed, 3 person	66sqm	61sqm
Flat 7	2 bed, 3 person	75sqm	61sqm
Flat 8	2 bed, 4 person	66sqm	70sqm
Flat 9	3 bed, 6 person	126sqm	100sqm

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed is considered to maximize the outlook of occupiers, and the amendments to the scheme have ensured that the quality of the outlook for future occupiers, particular to the habitable rooms located on the basement level, is acceptable.

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. This can be addressed by the use of a condition and therefore is not considered to form a sustainable reason for refusal.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm). The applicant has provided private gardens for the basement/ground floor duplex units which meet the outdoor amenity space standard. In addition, a communal rear garden of 288sqm at ground floor is provided. This exceeds the required amenity space for the 7 flats (excluding flats 1 and 2 which benefit from private outdoor amenity space) and is therefore acceptable.

Refuse bins are indicated to be provided at the back edge of the footpath either side of the pedestrian entrance. Details of the type of enclosure have not been provided. There are concerns about the proposed location of the bin stores and their impact (the bins for the current flats are stored on the sound boundaries) as they would form a prominent feature within the streetscene which if not treated carefully would be out of character. However, it is considered that through the use of a condition requiring the submission of further details this would not form a sufficient reason for refusal.

With regards to the provision of parking, the scheme provides 4 parking spaces. Council standards would require the provision of 10 to 14.5 parking spaces. However as the site is in a town centre location close to local amenities and public transport with a PTAL score of 6a on balance subject to a Section 106 agreement to amend the traffic order to exempt future residents from being able to purchase parking permits and a number of conditions the Highways Officers have raised no objections to the proposal.

For the reasons specified above, the proposal is not considered to provide substandard accommodation to future occupiers and is therefore acceptable.

Design and character matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Development should seek to make the most effective and efficient use of land. A design-led approach should be taken to defining appropriate plot ratios and residential densities, having regard to the suburban setting, good public transport accessibility, building heights. Massing (bulk of buildings) should be reflective of the suburban setting and role of the town centre; any element that results in over-dominance (visual) should be avoided.

The buildings and spaces proposed in the application respond positively to the context of the site and are found to have an acceptable relationship with the neighbouring buildings, streets and spaces. This is achieved in a number of ways.

The proposed design and bulk of the proposed building has been amended to respect the pattern of buildings in this section of the road. In addition, the scale of the building would also be in keeping with adjacent buildings. The building has been designed and amended to reflect the architectural style of similar properties, in particular the semi-detached properties located to the north west. The ridge height, bulk and style of roof are reflective of the immediately adjoining properties and therefore are not considered to be over dominant given its location.

In summary, officers consider that the size, scale, siting and design of the building proposed are such that they would adequately respect the character of the surrounding area. The overall design quality of the development responds to the site context. Subject to the conditions recommended, the proposal is found to be

acceptable and compliant with Development Plan Policies as they relate to design and character matters. The proposal is therefore considered to comply with the relevant design policies set out above.

Living conditions of neighbouring occupiers and impact on character

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 neighborliness 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 Residential Design Guidance SPD identifies that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments. The development exceeds these requirements and therefore the development would not result in overlooking to adjacent properties or loss of light.

The ground floor will have a similar rearward projection to the existing property with the upper floor stepped back from the boundary and it is therefore considered on balance to not adversely affect the amenity of adjoining properties to such a level as to warrant a refusal.

It is noted that the intensification of the use will increase, however given the Town Centre location, it is not considered that this is sufficient to warrant refusal of the application.

The Highways department have advised that on-balance the application is acceptable on highways grounds subject to a number of conditions (including that one of the bays should be marked out for disabled parking) and a S106 agreement to exempt future residents from being able to purchase residents permits for the CPZ.

Environmental Health have advised that they have concerns about the impact of the construction of the proposed basement but consider that this could be addressed through the use of a condition and therefore subject to a number of conditions they have no objection to the proposal.

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 577.52 sqm. Therefore, should the application be approved at appeal, the Mayoral CIL required is **£20,213.20** and the Barnet CIL required is **£77,965.20**.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the report. However, the following specific responses can be made:

- The lack of other basements in the vicinity of the site is not a material reason for refusal.
- Whilst the building would be marginally closer to the road than the existing property the building line would be respected and therefore the proposal is not considered to have an adverse impact on the streetscene.
- The impact on water pressure is not a material planning consideration.
- If Members are minded to approve the application a condition is recommended that would restrict the hours of working and manage the construction so as to minimise the impact on adjoining properties.
- 4 parking spaces are proposed in addition a Section 106 agreement is recommended to amend the traffic order to exempt future residents from purchasing parking permits on this basis Highways Officers do not object to the proposal.
- Woodstock Road is a mix of housing and flats and therefore the proposal is considered to reflect the character of the road. Impact on value is not a material planning consideration.
- The existing building is not listed and the site does not fall within a Conservation Area. In addition the property has been extended and altered. It is therefore considered that the loss of the building is acceptable.
- No commercial signage is proposed as part of the scheme.

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, the proposed development is considered to result in accommodation that exceeds the minimum space standards and therefore would be suitable for future occupiers. Furthermore, the massing, siting and design of the overall building would reflect the immediate adjacent properties and the general mixed tenure locale. 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: 23-25 Woodstock Road, London, NW11 8ES

REFERENCE: F/00683/14



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.

