

**Location**                    **17 Woodside Avenue, London, N12 8AN**

**Reference:**                **B/03756/14**

Received: 14.07.2014

Accepted: 18th July 2014

Ward:                        Totteridge

Expiry 8th September 2014

Applicant:                ;Mr Alterman

Proposal:                    Demolition of existing two storey building and erection of a 3 storey building to form 5 self-contained flats with associated car parking, amenity space, cycling storage, refuse & recycle storage area. New boundary wall to side and front of the property (Amended Description)

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

EX.1-1407; EX-001; EX-002; EX-003; EX-004; EX-005 ; EX-006; EX-007; EX-008; EX-009; EX-010; EX-001; PL-102 REV B; PL-103 REV C; PL-104 REV B ; PL-105 REV B; PL-106; PL-107 REV A; PL-108 REV C; PL-109 REV A; PL-110; PL-111 REV A; PL-112; PL-113 REV A; PL-114 REV A; PL-115; PL-116

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

- 2 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a full scheme of the measures to be incorporated in the development to mitigate the impact of noise between proposed units in the development shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures submitted shall ensure that the levels of noise as measured within habitable rooms of the new dwellings hereby approved shall be no higher than LAeq35dB from 7am to 11pm and LAeq30dB in bedrooms from 11pm to 7am and the submission made shall include sufficient details and information to adequately demonstrate how these standards would be met. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 3 Notwithstanding the submission hereby approved, further details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas must be submitted to and approved in writing by the Local Planning Authority. The

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 4 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (November 2010) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits. No dwelling shall be first 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 Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

- 5 No development or site works shall take place on site 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.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 6 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.

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

No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree

protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD

(adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. PL-102 REV C; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

- 11 Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such 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 Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 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](http://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 £8890 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 £34290 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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 CIL 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](mailto: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](http://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 at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: 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](http://legislation.gov.uk)

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

## **Officer's Assessment**

### **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 NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

#### **The Mayor's London Plan 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 and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant London Plan (2011) Policies: 7.4 and 7.6

#### **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 11 September 2012.

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

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM07, DM08, DM17

**Relevant Planning History:**

No relevant case history

**Consultation**

91 consultation letters were sent to neighbouring properties.

5 responses have been received, comprising 5 letters of objection

4 Residents have registered an interest to speak at the Planning Committee.

-The proposed building will be higher than existing, resulting in overlooking of neighbouring properties

-Construction works will result in a disturbance to neighbouring properties

-The area is characterize by single family dwellinghouses

-The proposed development will not preserve and or enhance the character of the area/locality

-The proposal does not result in a mix of development that is of a priority to borough

-The proposal is poorly designed

-The proposed standard of accommodation will result in a poor form of accommodation for future occupiers.

-Assurance that the Developer will construct a boundary enclosure during construction works so to reduce dust and noise.

-Access to neighbouring gardens should not be hindered.

-Increased levels of noise, pollution, cars, rubbish and recycle bins

-No details impact on trees

-No details on how long the works will take

**Internal /Other Consultations:**

Traffic and Development: The proposal is for a residential development of 5 flats. A total of 4 parking spaces are proposed on the forecourt, all assessed via a combined dropped kerb Woodside Avenue. The parking provision is in accordance with the parking standards in London Borough of Barnet's Local Plan.

Recommendation: No objection on highways grounds.

Date of Site Notice: 31 July 2014

**2. PLANNING APPRAISAL**

**Site Description and Surroundings:**

The application site contains a two storey detached dwelling and a tree governed by a Tree Protection Order. The subject site, located on the junction with Woodside Avenue and The Oaks does not benefit from any special protection. Neighbouring properties located at No15 and No 21 Woodside Avenue are occupied by 3 storey blocks of purpose built flats. A three storey flatted development also abuts the rear boundary (i.e. 3 The Oaks ) of the subject site.

**Proposal:**

This application proposes the demolition of the existing dwelling, and the construction of a three storey building which would contain a total of 5 flats. The ground floor would contain

a three bedroom unit and a two bedroom unit. The first and second floors would contain 3x two bedroom units.

The proposed building would measure approximately 11m in depth by 17m in width. It would have a height of approximately 12.6m when viewed from the front. Four parking spaces and refuse storage would be located to the front of the building, with vehicular access for 4 cars. Each flat will benefit from its own private amenity space, either in the form of a balcony or private garden, located to the rear.

### **Planning Considerations:**

- The main issues in this case are considered to be covered under five main areas:
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide adequate amenities for future occupants;
- Whether harm would be caused to highway safety;
- Whether harm would be caused to trees.

### **Impact on the character of the area**

The existing flat roofed building does not benefit from any local or national designation as a heritage asset. There are other examples of similar architecture in the surrounding area and the loss of the existing building is not considered objectionable in principle. Whilst the existing building is a single family house, the proposed development would provide one 3-bed flat and four 2-bed flats. Three bed units are a medium priority in the Borough.

As noted above, whilst the application site at present contains a single family dwelling, a large number of the neighbouring buildings are purpose built blocks of flats. As a result, the provision of a flatted development would accord with the pattern, use and appearance of the surrounding area.

In relation to the proposed building itself, the front elevation is set between the staggered front building line of both neighbouring buildings, Nos 15 and 21. The neighbouring building to the east, 21 Woodside Avenue, is separated from the application site by a access road, 'The Oaks'. The flank elevation of the application building could be visible from the street scene, is punctuated by a horizontal pattern which would allow the flank to be broken by different materials. As such, the flank elevation would have an acceptable appearance in the street scene. The separation between the site and 15 and 21 Woodside Avenue would ensure the proposed building sits comfortably within its own landscaped plot. Whilst contemporary in design, the street scene does not contain one single typology of design or style of building. It contains buildings of varying age, style and design. The proposed design would be an acceptable contemporary addition to this varied street scene.

The proposed building would respect the building line of No 15. This would give an appearance of spacing about the proposed building, and would result in an acceptable relationship with neighbouring properties. The submitted drawings show the roof area to be set back from the main front and rear walls, and to also be very low in height such that it would not represent a full further storey of massing. The building will be lower than neighbouring property No 15. The height and massing of the proposed building would relate acceptably to both the neighbouring buildings and the wider locality, and the proposal is therefore not considered to have an adverse impact on the character and appearance of the area.



The proposed bin storage would be located on the forecourt and subject to appropriate boundary screening would not be detrimental to the character and appearance of the street.

### **Impact on the amenities of neighbours**

Neighbouring building No 15 does not include any windows to habitable rooms in its flank elevation facing toward the application site. As a result, the proposed building would not appear overbearing or visually intrusive when viewed from No15. The proposed building will align with the rear of No 15, as such it would not appear prominent from this neighbouring building. Balconies to the rear, will contain privacy screens so to protect neighbouring amenity. The new building will be positioned to contain sufficient separation to protect neighbouring amenity and as such would not be detrimental to the privacy of the occupants of these buildings.

Issue has been raised with details of construction. This is not a matter covered by the Town and Country Planning Act.

### **Quality of amenity for future occupants**

The living room of flat 3 will be located over a bedroom of flat 1, the bedroom and kitchen of flat 3 will be located over kitchen and bedroom of flats 3 and 4 respectively. Any noise transmission arising from these relationships can be mitigated by way of insulation, during construction. Details of which shall be secured by condition.

On balance, the proposed units are considered to provide good quality units, meeting the relevant minimum unit and room size requirements, providing a good quality dual-aspect outlook and satisfactory outdoor amenity space.

### **Impact on parking and highway safety**

The proposal would provide one parking space for each unit, whilst making use of one street parking bay. This would accord with the Council's parking standards and is acceptable for a development of this nature.

### **Impact on trees**

The application site is surrounded by a number of trees. The applicant has included an Arboricultural Report detailing how the construction would take place to minimise any adverse impact on these trees, and subject to conditions requiring additional details to be submitted, no objections are raised in relation to the impact on the trees.

