

LOCATION: Woodstock Vehicle Recovery Specialists, 94 Woodstock Avenue, London, NW11 9RJ
REFERENCE: F/03455/12 **Received:** 08 September 2012
WARD(S): Golders Green **Accepted:** 10 September 2012
Expiry: 05 November 2012

Final Revisions:

APPLICANT: Woodstock Motors
PROPOSAL: Change of use of established motor vehicle repair workshop to part MOT centre. Removal of existing garage roof and replacement with a new aluminium mansard style roof including rooflights. Repair and reinstatement of perimeter walls and replacement of workshop floor (Amended description).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, dated August 2012; Philip Acoustics Noise and Vibration Report, dated 30/04/12, ref: 11091-004; Plan No: 309/12-01; 309/12-02; 309/12-03; 309/12-04; 309/12-05; 309/12-06; 309/12-07; 309/12-08; 309/12-09; 309/12-000.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 During the specified hours of operation, the doors of the building shall remain closed at all times and all works associated with the use shall be carried out inside the building.
Reason:
To safeguard the amenities of occupiers of adjoining and neighbouring residential properties.
- 5 The use hereby permitted shall not be operational before 8.30am or after 6pm from Monday to Fridays and before 08:30am or after 1pm on Saturdays. The use hereby permitted shall not be open on Sundays, Public or Bank Holidays.
Reason:
To safeguard the amenities of occupiers of adjoining residential properties.
- 6 The premises shall be used as a vehicle repair garage, body repair shop and MOT testing facility and no other purpose (including any other purpose in Class B2 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.
- 7 The MOT bay shall remain within the garage as marked on the plans, and that no MOT-related activity shall take place outside the curtilage of the building.
- Reason:
- To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 8 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as a garage. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety 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.
- 9 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the LPA 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.
- 10 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.

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
- In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, D2, ENV12, ENV13, M11, M12, GEMP1, GEMP4.

Core Strategy (Adopted) 2012:

CS NPPF, CS1, CS5, CS8.

Development Management Policies (Adopted) 2012:

DM01, DM02, DM04, DM17.

- ii) The proposal is acceptable for the following reason(s): -

The proposed change of use of established motor vehicle repair workshop to part MOT centre is considered to be appropriate given the mixed character of the immediate locality and is not considered to detract from the character or appearance of Woodstock Avenue. The alterations to the application site are not considered to have a significantly harmful impact on the residential or visual amenities of the neighbouring occupiers. The proposed use of the premises is not considered to represent a danger to the existing road network for both pedestrians and road users nor is it considered to result in undue noise and disturbance. The use of the site will also assist in maintaining existing local employment.

This proposal is in accordance with the aforementioned policies.

- 2 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and

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

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

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction “saving” 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, D2, ENV12, ENV13, M11, M12, GEMP1, GEMP4.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adopted) 2012:

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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

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.

Development Management Policies is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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

Relevant Planning History:

Site Address: 94 Woodstock Avenue NW11
Application Number: C02883
Application Type: Full Application
Decision: Refuse
Decision Date: 19/08/1970
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Rebuilding existing garage/workshop**

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

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

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

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

Site Address: Woodstock Vehicle Recovery Specialists, 94 Woodstock Avenue, London, NW11 9RJ
Application Number: 00920/11
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **To refurbish existing established motor vehicle repair garage and update to comply with MOT standards. The works to comprise the removal of the existing asbestos roof, to be disposed of in a safe and approved manner and replacement with new aluminium insulated composite roof, repair and reinstatement of existing perimeter walls, replacement of existing workshop floor. New roof to mansard style with flat crown to falls.**

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

Case Officer: Neetal Rajput

Enforcement Notices

Reference Name

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

Consultations and Views Expressed:

Neighbours Consulted: 90
 Neighbours Wishing To 1
 Speak

Replies: 17

The objections raised may be summarised as follows:

- Additional parking problems as a result of the change of use to MOT centre
- Risk to children from cars and customers of MOT centre
- Erosion to character of the residential area
- Pollution from exhaust fumes
- Loss of privacy to residents and an overlooking impact from scheme
- Quality of lives of families in the area would be seriously affected
- Intensification of use
- Proposal is out of keeping with the character of the area
- Detrimental impact on amenity
- The scale and appearance of the proposal will have an adverse impact on the surrounding area and adjoining neighbours
- The use would not be appropriate for the primary and nursery school in the area
- Adverse impact on property valuation (non planning issues)
- Health of local residents and their families reduced as a result of the proposal
- In the Design and Access Statement only physical changes are mentioned and not the activity that would take place
- The Design and Access Statement does not address the issue of a relatively small site accommodating a significant increase in activity

- Significant increase in activity on the public highway with the generation of new business
- Inconvenience caused by noise, industrial lighting and increased commercial activity
- The proposal would result in an increase in the number of 'Failed' MOT vehicles in the area thereby putting school children and local residents at risk
- The increased volume of traffic by its very nature will increase the number of minor accidents which will be reflected in the cost of increased insurance premiums, an increase in the cost of repairs and increased depreciation of their private motor vehicles.
- The site does not have sufficient car parking space to accommodate its pre-existing business
- No mention is made in the application of the opening hours, collection or delivery hours of the proposed MOT centre.
- The proposal gives no details as to how the increased car parking requirements will be dealt with
- A significant number of houses in the locality are let on multiple occupancy basis, which has increased the volume of road traffic locally in addition to putting pressure on the availability of resident parking spaces
- The planning section has not properly taken into account the converted properties, many of which do not have planning permission and approval of the MOT centre application would exacerbate these problems.

Internal /Other Consultations:

- Environmental Health - No objection subject to relevant conditions.

Date of Site Notice: 20 September 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

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

A certificate of lawfulness was granted (F/03813/09) in January 2012 for *established use of car workshop, office and forecourt*. There have also been two previous withdrawals of applications for similar proposals (F/00920/11 & F/04011/11).

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

Proposal:

The application relates to change of use of established motor vehicle repair workshop to part MOT centre. There will also be the removal of existing garage roof and replacement with a new aluminium mansard style roof including rooflights. It

should be noted that there will be no increase in the height of the roof, only a change in style of the roof. There will also be the repair and reinstatement of perimeter walls and replacement of workshop which is currently in a poor condition and the premises require an upgrade.

During a site visit it was evident that there is area available for parking spaces within the curtilage of the site and the application form states that a number of 8 cars can be present at site at any one time. The access to the building will remain as existing via the existing access road off Woodstock Avenue.

Planning Considerations:

The main considerations in this case are the impact of the addition of an MOT testing centre and alterations to the roof on:

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

Living conditions of existing/future neighbouring residents:

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

Policy ENV12 says that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted as stated in policy DM04 of the Development Management (2012).

The site currently runs as car garage, works include the fitting and sale of new tyres and general repair works. The provision of an MOT testing bay within the site is not considered to generate a significant increase in noise and disturbance than currently exists. The site has been established for a period of over 10 years and it is not considered that an unacceptable level of noise or disturbance as a result of comings and goings would result. The provision of an MOT testing bay is not considered to harm the established character of the area.

The part change of use from an established motor vehicle repair workshop to part MOT centre is not considered to have a detrimental impact on the character of the area and the appearance of the street. There will be no increase in the footprint of the building and therefore the proposed change of use is considered to be acceptable and in keeping with the character of the immediate vicinity. Ambulant conditions are recommended including hours of operation, details of a noise report, no MOT related activity to take place outside the curtilage of the building to protect the amenities of neighbouring residents.

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

relationship of the site with neighbouring residential properties is considered acceptable, there is a distance of approximately 12 metres to the rear elevation of the properties fronting Sandringham Road. The use of the part of the MOT centre will be located towards the front of the premises and thus levitating harm to No. 92 Woodstock Avenue. The orientation of this property in relation to the application premises is that it is slightly angled away at the front. It is considered that the proposed use of the site would not result in undue noise and disturbance which would be harmful to the amenities of those living at No. 92 Woodstock Avenue.

Whilst, it is acknowledged that a number of cars could be stored at the premises at one time and would need to drive in and out to arrive and leave the premises, the potential car use in conjunction with the use itself is not considered to result in noise levels which would be significantly higher than what is existing given the nature of the site.

Policies M11 and M12 within the Adopted London Borough of Barnet Unitary Development Plan 2006 relate to both the safety of road users and the road network. The Council will ensure that the safety of road users, particularly those at greater risk is taken fully into account when considering development proposals. Furthermore, the council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network, or increase the risk, or perceived risk to vulnerable road users. Within the application no changes are proposed to the vehicle access. The number of parking spaces as stated in the application form for this unit is 8. The proposed change of use is not expected to have a detrimental impact on the public highways and safety for highways users. The potential comings and goings which may arise as a result of the proposed use is not considered to represent a danger to the existing highway network or road users/pedestrians. It is not considered that the comings and goings from the application site will result in a significantly higher amount of traffic and parking stress than what already exist with the current use. It would have a minimal impact on the public highway and is not expected to have a detrimental effect on the free flow of traffic or highways users safety. The proposal is considered acceptable on highways grounds.

The Environmental Health Team were consulted as part of the application process. There were no adverse comments on this proposal and therefore it is considered to be acceptable on Environmental Health Grounds. The advise from our Environmental Health department is that there would be a reduction in the level of noise due to the new proposed acoustic roof which is welcomed. This lowers the high level noises to a level more in line with the general neighbouring road noise at the frontage of the development onto the main road. Also, there is no direct line of sight from the proposed workshop open doors to the residential at the nearest neighbouring residential. The back of the neighbouring residential also has a high level of noise protection. Conditions have been recommended requesting details of the ventilation and extraction equipment.

As a result of the above, this application is considered to have an acceptable impact on the character and appearance of Woodstock Avenue and surrounding locality. It is also considered to have a minimal impact on the surrounding public highway network and the safety of both road users and pedestrians. Furthermore, it is not

considered to have an adverse impact on the residential amenities of neighbouring residents along Woodstock Avenue and Sandringham Road. In this instance, the part change of use to a MOT centre is considered to be appropriate in this area. This application is therefore recommended for approval, subject to conditions.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

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 UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

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

REFERENCE: **F/03455/12**



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