Location	**Wellington Place Great North Road London N2 0PN**		
Reference:	**18/4897/FUL**	Received:	8th August 2018
		Accepted:	8th August 2018
Ward:	Garden Suburb	Expiry	3rd October 2018
Applicant:	Mr Larry Lipman		
Proposal:	Addition of two new floors at third and fourth floor level to four blocks of existing two bedroom flats to provide an additional seven new two bed duplex apartments. Associated parking, refuse and recycling store and cycle store.		

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022

Monitoring of the agreement - £101.32

RECOMMENDATION II:
That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

- Existing and Proposed Front Elevations, Drawing No.WP-AE01E;
- Existing and Proposed Rear Elevations, Drawing No.WP-AE02D;
- Existing and Proposed Side Elevations, Drawing No.WP-AE03D;
- Existing Floor Plans Blocks A,B&D, Drawing No.WP-AGE01A;
- Existing Roof Plans Blocks A,B&D, Drawing No.WP-AGE02;
- Existing Floor Plans and Block C, Drawing No.WP-AGE03A;
- Proposed Site Development Plan, Drawing No.WP-AGD01B;
- Proposed Massing Axonometric with External Staircase Details, Drawing No.WP-AD01
- Proposed Floor Plans Blocks A,B&D, Drawing No.WP-AGP01B;
- Proposed Floor Plans Blocks A,B&D Floors Second, Third and Roof, Drawing No.WP-AGP02A;
- Proposed Floor Plans and Block C, Drawing No.WP-AGP03.

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 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 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

ii. site preparation and construction stages of the development;

iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. Staff travel arrangement;

ix. details of contractors compound and car parking arrangements;

x. Details of interim car parking management arrangements for the duration of construction;

xi. Provision of a banksman;

xii. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

4 Notwithstanding details already submitted:

a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

5 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures

that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

6 Before the building hereby permitted is first occupied the proposed storage rooms and access to the rear gardens shall be provided for the existing ground floor flats, as shown on drawing WP-AGD01B and they shall be retained as such thereafter.

Reason: To safeguard the amenities of occupiers of existing residential properties in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted 2012) and the Sustainable Design and Construction SPD (adopted 2016).

7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

8 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) 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 2016.

9 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and

structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the **** as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall 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 content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

10 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 6.00 pm 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 Development Management Policies DPD (adopted September 2012).

11 Notwithstanding details already submitted as part of this application:

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

b) 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

12 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

13 Prior to occupation of the development the proposed parking spaces within the parking area as shown in [WP-AGD01 Rev.B] submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason
To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

14 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. In accordance with the email from the agent dated 10th July 2019, there will be no ground level changes to any of the rear gardens.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

15 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in

accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees at and adjacent to the site in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The dimensioned tree protection plan and method statement shall include details of foundations for the new storage units and any pruning works taking account of and expanding upon the information/confirmation provided in the agent's e-mail dated 10th July 2019.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected on site around existing trees. 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. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees 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 DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

RECOMMENDATION III:

1 That if an agreement has not been completed by 30/10/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/4897/FUL under delegated powers for the following reasons:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

1 In accordance with paragraphs 38-57 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 and the Applicant engaged with this prior to the submissions of this application. 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.

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 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 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.

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 at 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

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

3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries.

Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

5 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

6 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

7 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed “extraordinary traffic” for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority

can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

8 There is reference made on plan 'Existing and Proposed Front Elevations, Drawing No.WP-AE01D' about a future possible lift extension to Block C. This proposal is not part of this planning application.

9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Officer's Assessment

The application has been deferred from previous meetings of the committee.

1. Site Description

The application site is comprised of four two storey blocks of flats on the western side of Great North Road/ High Road, within the East Finchley Ward. 1.2 The buildings are comprised of 2 flats per block, with Blocks A, B and D each accommodating 4 x 2 bed units and Block C accommodating 2 x 2 bed units.

The buildings are not listed nor do they lie within a Conservation Area, although The Bishops Avenue is located further north of the site, which lies within the Hampstead Garden Suburb Conservation Area.

Directly to the north of the site, lie two small two storey cottages.

To the south, is a purpose-built block of flats at three storeys in height, which lies in the jurisdiction of the London Borough of Haringey.

On the opposite side of the road, lie a mixture of buildings including a two-storey car show room, a four storey (three storey with rooms in roof space) office building and a three storey office building.

To the west, the site abuts allotments.

The site is within a 5-minute walk from East Finchley Underground Station.

2. Site History

No relevant planning history

3. Proposal

The application proposes the following works:

Addition of two new floors at third and fourth floor level to four blocks of existing two bedroom flats to provide an additional seven new two bed duplex apartments. Associated parking, refuse and recycling store and cycle store.

The scheme has been amended during the application process to reduce the size of the proposed fourth floor and to encase the proposed stairways to each block. The units would be comprised of 7no. 2x bedroom duplex apartments with associated roof terracing on the top floor.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties. 28 responses were received.

Re-consultation took place on the 29th October 2018 for an additional 21 days on amended drawings which were provided by the applicant. 22 responses were received.

In total, 50 responses have been received, comprising 50 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:
- Building on top of existing units;
- Disruption caused by building works to residents of the existing units at ground and first floor;
- Security - proposed staircase would cross existing bathroom windows of units at first floor;
- Loss of privacy to units at ground and first floor level by the proposed staircases to the upper floors;
- Parking - not enough spaces for new units on the existing site;
- Loss of light into existing units;
- Loss of loft space for storage for existing units;
- Potential cost of maintenance of new building/the site;
- Reduced access to existing units;
- Appearance - new development would be unattractive compared with the existing units;
- Foundation strength of the existing units to support additional floors;
- Adequacy of existing drainage, sewerage and other services to the existing and proposed units;
- Access reduced to the rear gardens of the existing ground floor units;
- Proposed parking provision blocking access to existing units;
- Manoeuvrability of cars on the site reduced;
- Bin locations blocking access to existing units, concerns regarding hygiene;
- Reduced access to existing gas and electricity metres;
- Dwarfing neighbouring buildings;
- External staircases being unsightly;
- External Staircases being a potential health and safety risk in bad weather;
- Noise generated by new residents;
- Maintenance costs for all residents;
- Height of the new development would increase potential overlooking to existing units and gardens;
- The introduction of a flat roof requiring maintenance;
- The introduction of render will require maintenance;
- Bins could be a potential fire risk;
- Consultation to include the Cherry Tree Allotments to the rear;
- Loss of light to allotments;
- No affordable housing provided;
- Design not in keeping with the rest of this part of the road;

- Potential building debris from construction works;
- The increased height will reduce views from the road to the allotments to the rear;
- Overdevelopment of the area and site;
- Impact on nearby wildlife;
- Highways safety issues of vehicles entering/leaving the site;
- Structural damage could be caused by development to the existing units;
- Concerns regarding the use of cladding as a material;
- The proposed waste bin location may be hard to access for some existing residents;
- Concerns regarding maintenance of a green roof.

The application was deferred from the February meeting of this committee to enable residents to address a future meeting. Subsequently, an amended application form has been submitted and a further consultation has been undertaken.

3 comments have been received, which re-iterate concerns raised previously:
- overdevelopment
- out of character
- overlooking
- lack of parking
- will result in overspill parking in Haringey

The application was then referred back to the April meeting but was deferred to receive legal advice in respect of a letter received from a solicitor acting on behalf of residents.

The letter received from the solicitor raised the following issues:
- the development involves works in the loft spaces which the owner does not have control over and which would affect the amenity of existing residents
- existing garages would be demolished, which the applicant does not control and their loss would affect the amenities of future residents
- no lifts are proposed
- loss of and alterations to existing residents garden spaces which would affect the amenities of those residents
- a mature oak tree on adjoining land has not been considered and a TPO is urged
- there is no basis for the LPA to consider there is a reasonable possibility that the development could proceed, as all leaseholders would need to agree for their properties to be developed
- Conditions must be enforceable - Planning practice guidance states that: "Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy a breach of the condition, or those concerned with matters over which the applicant has no control.

The application was deferred from the July meeting as Members considered residents had not had sufficient time to respond to the response from HB Law to the solicitor's letter.

Internal consultees:

Highways:

No objection subject to conditions and a legal agreement restricting future occupiers from being eligible for obtaining residents parking permits, through amendments to the Traffic Management Order.

Tree officer comments:

Officers have considered the tree located in the land to the rear of the site which is Council owned. The arboricultural officer considers that the best way to avoid any damage to the tree is to impose a condition on the permission to secure tree protection measures during construction. Further comments are included elsewhere in this report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance
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 24th July 2018 (and updated on 19th February 2019). 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, creates better places in which to live and work and helps make development acceptable to communities…. being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2016
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 2050. 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 London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.
- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Quality of Proposed Accommodation for Future Occupiers
- Highways Issues

5.3 Assessment of proposals

_mpact on Character of the Area

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

_he principle of flatted development

In terms of the increase in height to the existing blocks following the demolition of the pitched roofs to the existing blocks, officers raise no objection to this given the variation in forms, heights and overall design on this section of the road. It is considered that the buildings as existing offer an opportunity to increase the density of each block and thus make better use of the plot. The recesses from either side and from the front have been increased during the application process to reduce the prominence of the additional two storeys within the streetscene and to provide amenity space

Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting. Officers welcome a contemporary design in this case.

During the application process concern was raised by officers with regards to the bulk, massing and prominence of the external staircases which would be added to the flank elevations of each block to facilitate access to the proposed upper floor units. This part of the scheme has been amended to enclose the proposed staircases.

_mpact on Amenity of Neighbouring Occupiers

New development should have due regard to the amenity of existing occupiers and in neighbouring buildings.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Given the allotments to the rear and the commercial building opposite, in addition to the distance of neighbouring occupiers, it is not considered that the proposed increase in height or additional flats would result in a loss of privacy to neighbouring occupiers to the south.

It is not considered that the increase in height to the blocks, in particular Block D which neighbours cottages to the north, would have an overbearing impact on neighbouring gardens. The top floor would be recessed from the front and flank elevations which is considered to be acceptable.

_oss of Light/Privacy to Existing Occupiers

The proposal includes a stairwell to each of the flank elevations which will be set back to avoid covering existing windows at ground and first floor levels.
Officers are satisfied that given the orientation of the site and that the flank windows serve non-habitable rooms, any loss of light caused by the proposed stairwells on each of the flank walls (side elevations) of the existing blocks, would not result in a significant loss of residential amenity to warrant refusal of the application.
To overcome the potential overlooking or loss of privacy to flank windows and doors from the stairwells, the plans have been amended so that stairwells are enclosed which overcomes this issue.
Regarding the allotments to the rear and the potential loss of light, the allotments are positioned to the rear/south of the proposal site and officers are satisfied that the introduction of additional height at the proposal site will not detrimentally affect the existing use of the allotments. It is suggested a condition is attached to any permission to secure a Demolition and Construction Management Plan to be submitted by the applicant which will take into account the construction and minimising impact to existing occupiers and the surrounding area.

Concerns have been raised about the impact of the development on the amenities of the existing residents in terms of loss of loft space, garages and amendments to access to rear gardens. New storage spaces are proposed and access to rear gardens maintained. This is the subject of a proposed condition. It is considered that these matters are not a planning reason to withhold consent. Whether consent will be forthcoming in relation to use of these areas to facilitate the development is a matter for the leaseholders and freeholders.

_uality of Proposed Accommodation for Future Occupiers
All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National Standards. All units should be

designed with a total area and room size and ceiling height to meet the minimum requirements set out in the London Plan and Barnet's Sustainable Design and Construction SPD. The scheme would need to demonstrate compliance with the relevant standards.

- 2 bedroom 3-person flat (double storey) requires a minimum of 70sqm;
- 2 bedroom 4-person flat (double storey) requires a minimum of 79sqm.

The proposal floorspaces exceed the above requirements for all proposed new units.

New flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". Based on floor plans and elevation plans provided, it is considered that the units would benefit from suitable outlook.
In terms of stacking, the bedrooms and bathrooms to the new units will be on the floor above the existing first floor flats, the new living rooms and kitchens will be on the top floor.

No lift is proposed to serve the new units. Given that the development is proposed as an extension to an existing development which does not benefit from a lift and for which a lift cannot be readily provided, it is considered acceptable in this instance that the development meet Building Regulation M4(1). This accords with the approach set out in the Mayor's Housing Supplementary Planning Guidance.

_menity Space

In accordance with the Mayors Housing SPG, outdoor amenity space should be provided for all units. Barnet's Sustainable Design and Construction SPD requires 5 metres per habitable room of amenity space to be provided, with rooms larger than 20 square metres counting as 2 habitable rooms.
The provision for private amenity space for each of the duplex units it to be provided at fourth floor level, accessed from the upper floor of each of the proposed units.
- Roof terraces of 20.52m2 have been provided for each proposed unit in blocks A, B, C and D;

The proposed amenity space is sufficient to comply with Barnet's sustainable Design and Construction SPD.
The existing amenity space for the ground units is to be retained to the rear of the units.
Privacy screens have been proposed between blocks A, B and D's private amenity space at fourth floor level. Conditions have been attached to secure details of the privacy screens and their implementation.

_ighways

The proposal site benefits from a PTAL 4 which is considered to be good with the site being in close proximity to East Finchley Underground station and bus stops on the High Road.

With regard to parking, the following parking spaces are proposed as part of this application:

- Parking for 14 vehicles (14 off street in Wellington Place in dedicated bays);
- 3No. Electric Charging Points located on site;
- 4no. Motor cycle parking bays;
- Cycle store for 16 bicycles.

It is also proposed that the current access arrangements to Wellington Place are to be improved, utilising the current crossovers, but incorporating a one directional with sign-posted in and out regime, to enable dedicated parking to existing and proposed apartments.

Highways officers have provided consultee comments on the application which are summarised below:
Controlled parking is in place on the road abutting the site (M/Q) which is in operation from Mon-Sat between the hours of 10am-6:30pm. According to requirements set out on Policy DM17 of the Barnet Local Plan, the off-street car parking requirements for a proposal such as this is 25 spaces. This means an under provision of 11 car parking spaces.
The applicant has provided a Transport Note with the application. In section 4.3 of this document, the applicant has agreed to amending the traffic management order to restrict future occupiers of this development from obtaining resident parking permits.
Taking into consideration the following;

* The site is within a Control Parking Zone (M/Q) in operation mon-sat 10am-6:30pm.
* It is located within a town centre location
* It is within walking distance of local amenities
* The site lies within a PTAL 4 site, which is considered to be good public transport accessibility

It is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located.

A further point to be noted is the loss of the use of the existing garages on the site to be replaced with the external staircases and storage space for the units. Following the highways consultation received above, it is considered that the loss of garages would not result in a detrimental impact to the parking allocation which is existing on the site as 14 spaces would remain. The shortfall in spaces to serve the new flats can be mitigated through the proposed legal agreement as set out above.

_mpacts on Trees
Officers have considered the oak tree located in the land to the rear of the site which is Council owned. The arboricultural officer considers that the best way to avoid any

damage to the tree is to impose a condition on the permission to secure tree protection measures during construction as follows:

- There would be no alterations to the existing ground levels in the back gardens rear of 3/4 and 5/6 Wellington Place
- That appropriate ground protection measures would be installed the back gardens rear of 3/4 and 5/6 Wellington Place during the development works to avoid ground compaction/tree root damage
- That no new strip foundations shall be installed for the new single-storey storage rooms/rebuilt garages rear of 3/4 and 5/6 Wellington Place (either a piled raft, or slab cantilevered off the existing garage foundations shall be used)
- That any pruning of overhanging branches to facilitate access for the development works will not exceed the most recent previous pruning points

The agent has confirmed that the development will be implemented in accordance with these principles and a condition is proposed to secure these tree protection details.

Since first referred to committee, a Tree Preservation Order has been made on the oak tree within the allotments. Officers consider that the development can be accommodated without adverse effects on the health of the tree, as set out above.

_mpacts on Wildlife
Concerns have been raised about potential impacts on wildlife. However, as the proposal is to be positioned on top of existing units it is considered not to detrimentally impact nearby wildlife.

_aste and Recycling

The proposal provides the following:

- 2x240Ltr mixed recycling and 1x240 ltr for additional residual waste bins for each side of each block;
- Laminate slated door bin stores located under canopies between the entrances to the existing ground floor and first floor apartments.

Officers consider that the provision is in accordance with Barnet Waste and Recycling policy.

5.4 Response to Public Consultation

Main points addressed within the assessment of the proposal.

Security and Privacy:
- Concerns were raised with regard to security to the existing and proposed units due to the initial proposal of external staircases. The amendment to enclose the staircases is

assessed to overcome the concerns regarding stairs next to windows of the existing units as they would be only accessible to residents of the upper floor units to access the proposed flats.

Construction Noise and Disturbance:
A condition has been suggested regarding providing a demolition and construction management plan prior to commencement of building works and restriction of times of works on site.

Land ownership matters:
Concerns have been expressed that the existing loft spaces, garages and gardens are not within the control of the applicant and that leaseholders will not grant consent. The correct ownership certificate has been submitted and officers do not consider that the ownership issues are a reason to refuse consent.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.