

Location **26 - 28 Lytton Road Barnet EN5 5BY**

Reference: **15/04842/FUL**

Received: 31st July 2015

Accepted: 17th September 2015

Ward: High Barnet

Expiry 12th November 2015

Applicant: Peachwalk Properties

Proposal: Demolition of existing buildings and redevelopment to provide 2no. detached blocks up to three storeys high to provide a total of 9no. self-contained flats and 129sqm of B1 office space

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1426 GA 000A, 001A, 002A, 003A, 100A, 200A, 500A, 600E, 601D, 602D, 604C, 800, 801C, 802A, 900A.

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 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.

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 2015.

- 4 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 2015.

- 5 a) 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.

b) 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 (2015).

- 6 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).

- 7 No development shall commence on site until the pedestrian and vehicular means of access to the site via Bentley Way has been secured and evidence of this submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 a) 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.

b) 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.

c) 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 2015.

- 9 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

- 10 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and subdivision of amenity space, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

11 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed on the roof terraces hereby approved 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

12 The ground floor office premises (as shown on Drawing GA-600 Rev E) shall only be used for Use Class B1(a) and for no other purpose (including any other purpose in Class B 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.

13 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. GA-600 Rev E 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 2015.

14 Part 1

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information,

a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 15 The office use hereby permitted shall not be open to members of the public before 08:00 or after 18:00 on weekdays, before 08:00 or after 13:00 on Saturdays or at any times on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 16 The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the office use within the rear building as measured within habitable rooms of the residential development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to the commencement development (other than demolition/site clearance works). The approved mitigation scheme shall be implemented in its entirety before the first occupation of the development.

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 Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 17 Prior to the first occupation of the development hereby permitted, the recommendations in respect of glazing and ventilation specification contained within Environmental Noise Report 7370E Rev 0 dated 9 June 2015 shall be implemented in their entirety and maintained as such thereafter.

Reason: To ensure the proposal provides satisfactory quality of internal accommodation in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012).

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. 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 (increase to £43.25 as a result of indexation in accordance with CIL Regulation 40) 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 £23311.75 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 (increased to £166.96 as a result of indexation applied in accordance with CIL regulation 40) 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 £89991.44 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the

Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The 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 if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 Any and all works carried out in pursuance of this permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

1. Site Description

The application site contains a two storey pair of semi-detached buildings, previously occupied by a car showroom and related operations at ground floor level both within the building and the rear yard area, and residential use at and above first floor level. The site also contains a small number of single storey outbuildings, located toward the rear boundary. The existing building has a width of approximately 12.14metres and a pitched roof with a ridge height approximately 8.8 metres - reflecting the width and height of the neighbouring residential properties to the north.

The site is located on the eastern side of Lytton Road, in a row of buildings of a similar design and appearance. The neighbouring buildings to the north are two storey buildings, and in residential use. The neighbouring buildings to the south are three storey buildings with commercial uses at ground floor level and residential above. The application site is within the New Barnet Town Centre boundary.

2. Site History

B/03413/13: Demolition of existing building and erection of a two-storey building with rooms in room space to provide offices (Class B1) at ground floor level and 4 self-contained flat on first and second floor level. Erection of 2, two-storey semi-detached houses with rooms in roof-space. Associated parking for 8 cars, cycle and refuse storage.

Refused December 2013. **1)** Proposal would appear as an incongruous and visually obtrusive building in the street scene. **2)** Proposed building to front, by reason of poor quality outdoor amenity space, would not provide a satisfactory quality of outdoor amenity space. **3)** Proposed building to rear, by reason of poor quality outdoor amenity space, would not provide a satisfactory quality of outdoor amenity space.

B/01505/14: Demolition of existing buildings and erection of a two storey building with rooms in roof space to provide 6 self-contained flats. Erection of a 2 storey building to the rear to facilitate 2no. self-contained flats and 1no. office, including associated parking for 9 cars, cycle and refuse storage. Approved May 2014.

At the adjacent site to the south (Ocean House) an application for prior approval (reference 15/03115/PNO) has been approved. This allows the conversion of the existing office building at Ocean House to form 29 residential flats. However the procedure does not grant planning permission for any external alterations to the building.

Planning application 16/1225/FUL has since been submitted for "Alterations to elevations and insertion of doors and balconies". That application remains under consideration at the time of writing this report. No alterations are proposed to window openings in Ocean House which face the current application site.

3. Proposal

This application proposes the demolition of the existing buildings and the redevelopment to provide 2no. detached buildings to provide a total of 9no. self-contained flats and 129sqm of office space.

The proposed building to the front would have a width of 12.5 metres, and a maximum height of 10.2 metres. It would have a single storey flat roofed front projection which would reflect those on buildings to the south of the site. The main massing of the building would have a pitched roof with front and rear gables. The building would include a two storey flat roofed element 6.2 metres high adjacent to No. 30 Lytton Road. This building would have

an office at ground floor level (129 square metres) and three flats above (1x one-bed, 2x two bed).

The proposed building to the rear would measure approximately 12.4 metres in width. It would be part three storey (adjacent to Ocean House to the south) with a flat roof 9.6 metres high, and part two storey (adjacent to No. 30 Lytton Road) with a flat roof 6.5 metres high. This building would contain a total of six units (comprising of 1x one-bed unit, 4x two-bed units and 1x three-bed unit). The ground floor flats would each have a private amenity area to the front. The remaining flats would have balconies and would have use of communal amenity space.

The site would be accessed via Bentley Way, which is the entrance road to the south of the existing building and provides access to the car park which serves Ocean House. Seven on-site parking spaces would be provided.

4. Public Consultation

This application was originally advertised as "*Demolition of existing buildings and redevelopment to provide 2no. detached blocks up to four storeys high to provide a total of 9no. self-contained flats and 70sqm of B1 office space*". During the course of the application, amendments were made to reduce the size of the building to the rear of the site, and amend the parking layout. The description of the proposal was amended to reflect the reduced maximum height of the buildings and to accurately reflect the amount of office space proposed (shown above as 70 square metres in error).

Consultation letters were sent to 305 neighbouring properties. A total of 6 responses have been received.

Four letters of objection have been received, raising the following comments (summarised):

- Concerned that the unprecedented scale of the rear block at 4 storeys is much higher than houses in Lytton Road [Officer Note: Since this letter was received the height of the building at the rear has been reduced to a maximum of 3 storeys].
- All bedrooms at the back of Nos. 18-36 would be directly overlooked from the new building.
- Proposal is likely to result in the loss of trees in neighbouring gardens.
- Seven parking spaces is insufficient. Parking and traffic congestion in Lytton Road are already a nightmare.
- Block B will reduce light levels to neighbouring gardens.
- Building works will cause disruption.

One letter of comment received, supporting the redevelopment but raising two concerns:

- The impact of additional residents on parking on Lytton Road - the new development needs to provide sufficient parking for all residents.
- The front projection is not in keeping with the surroundings and is extended when compared to the adjacent residential houses. It should be in line with the residential houses, not the commercial premises.

One letter of objection has been received from the New Barnet Community Association, making the following comments (summarised):

- Concerned with the single storey extension to the front of the proposed new building which seems to be clumsy and out of character with the rest of the street. There is continuity in the street which is not replicated in the proposal.

- Support the principle of change of use to residential on the site, the design and layout of the rear buildings and the concept and general design of the new buildings.

Traffic and Development

- In accordance with the London Plan standards the development is required to provide 1 disabled bay for the office space. Cycle spaces for residential use is 1 space per studio and 1 bedroom units and 2 spaces per all other dwellings. The minimum standards would therefore be 16 spaces with 12 provided so an under allocation. 20 per-cent of all residential car parking spaces must be for electric vehicles with an additional 20 per-cent passive provision for electric vehicles in the future.

- Car parking standards are set out in LBB DMP 17 with the maximum standards for 1 bed is 1 to less than 1 per unit and 2/3 bed is 1.5 to 1 per unit. Considering the PTAL of 3 for this location the estimated parking demand would be 0.5 spaces per 1 bed and 1.25 spaces per 2/3 bed. The total parking requirement is therefore 9.75 spaces. The existing flats would demand 2.5 spaces but with no existing allocated parking the increase in demand for the residential units would be 7.25 spaces with 6 spaces provided. The existing frontage has crossovers that will need to be made back to footway as they will be redundant. The proposal will create further on-street parking space. There are existing No Waiting controls 7am-10am on Lytton Road. The proposed access to the rear accommodation, parking, refuse and cycle storage will be through an existing access Bentley Way between 24 and 26 Lytton Road that is controlled by barrier, the land owner has confirmed that access rights are granted for the proposed development.

- There are no highway objections to the proposal subject to conditions.

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 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 2015 (incorporating Minor Alterations 2016) and Mayor's Housing SPG (March 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 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.

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, CS4, CS5, CS6, CS8, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM11, DM14 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

Residential Design Guidance SPD (adopted April 2013)

New Barnet Town Centre Framework (adopted November 2010).

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.

5.3 Assessment of proposals

Background

Planning permission was granted in 2014 under application reference B/01505/14 for the redevelopment of this site to provide a total of eight flats and one office. Six flats would have been contained within a building to the front of the site, with the office and remaining two flats in a building to the rear of the site. The current scheme differs from the previously approved scheme as follows:

- The building at the front is now proposed to contain office accommodation at ground floor level, with a total of three flats at first and second floor levels.
- The building to the rear is now proposed to contain flats only.
- The amount of retained office space has been increased from 56 square metres to 129 square metres.
- The total number of units proposed has been increased from eight to nine.
- The design has been changed from two storey buildings with hipped roofs to the front and rear, to a more contemporary two and three storey design with both pitched and flat roofs.
- Access is now proposed via Bentley Way rather than through the site itself, and the number of on-street parking spaces has been reduced since the previously approved scheme from nine to seven.

Having regard to the above, it is necessary to assess whether the changes made since the previously approved scheme are acceptable or whether they introduce any conflict with adopted planning policies.

Principle of the proposed development

Policy DM11 notes that in town centres, appropriate mixed use development will be expected to provide re-provision of employment use, employment use and community use. Policy DM14 states that proposals to redevelop or re-use an existing employment space

which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

The submission notes that the existing employment floor space is 215 square metres. The previously approved scheme on this site retained 56 square metres of employment floorspace. The current scheme proposes to retain 129 square metres of employment floorspace, therefore representing a considerable improvement over the previously approved scheme and a loss of only 86 square metres of employment floorspace. In terms of employees, the previous application on this site noted the site employed 3. The agent for the current application has since advised that the former use employed up to six people. However, in accordance with the Homes and Communities Agency Employment Density Guide (November 2015) the proposed office space is capable of accommodating between 10 and 16 full time equivalent staff.

Given that the previous application approved the loss of a far greater amount of employment floorspace (159 square metres, when compared to 86 in the current application), and that this scheme would include the provision of a large new office development within a Town Centre location, capable of employing more people, and with a frontage to the road, no objections are raised to the principle of the development.

Impact on the character and appearance of the area

The New Barnet Town Centre Framework (adopted in 2010) supports the gradual change of Lytton Road towards a more residential focussed area. The Framework also sets out a number of Development Principles. Principle 4.5 states that 'Architectural styles should complement but not replicate the existing architectural context'. Principle 5.5 states that 'Proposals for residential development are supported throughout the Framework area' and 'the change of use of existing non-residential floorspace outside of the High Street character area to residential is supported'. On the basis that the Framework supports the provision of residential accommodation in this part of the town centre, and on the basis that the existing neighbouring land uses include residential, the provision of residential dwellings is considered acceptable in this location.

It is noted that the proposal comprises a tandem development, with a replaced frontage building, and a new building constructed to the rear of the plot. This form and layout of development is common in the immediate vicinity. To the immediate south of the application site, Ocean House (a mostly three storey non-residential building) is located to the rear of buildings which front Lytton Road. To the north of the application site, Nos. 42 and 46 Lytton Road have been redeveloped to provide a new building to the front of the side and additional residential accommodation to the rear. Therefore the proposal is considered to respect the layout and pattern of surrounding buildings and streets, and the grain of the area.

In terms of the design and appearance of the proposed buildings, whilst the previous application proposed a building to the front of the site with a hipped roof and a flat crown, with front bay window and an undercroft access to the rear parking area, the current application proposes a more contemporary design. As with the neighbouring mixed-use buildings to the south of the site, the proposal includes a flat roofed single storey front projection. This would align with the front of the neighbouring shop fronts. The front projection would have a contemporary appearance, framed entirely in brick rather than the neighbouring shop fronts which have a greater proportion of glass and timber. However, in the context of this varied street scene and the remainder of the proposed building, this projection is considered acceptable.

The accommodation above ground floor level would be set back from the street, to align with the upper floors of the neighbouring buildings. The main mass of the building would have three storeys with a front gable, which would reflect the width and height of that to the adjacent building to the south. It would be clad in white render which would also reflect the materiality of this adjacent building, albeit with a more contemporary finish. The building would include a two storey element to the north side, and this would have a flat roof and be clad in the same brickwork as the single storey front projection. The flat roofed element would reflect the surrounding flat roofs to the single storey front projections, and would align with the eaves height to the neighbouring building. It would also be stepped back from the main front wall. As a result of its relationship with the neighbouring buildings and overall contemporary appearance, it is considered that the proposed development would integrate appropriately into the character and appearance of the street scene and the wider area.

The proposed building to the rear of the site would be a contemporary part two storey, part three storey flat roofed apartment building. Its height and roof style and design would reflect that of the adjacent part two, part three storey flat roofed building at Ocean House. Given that the principle of a building in this part of the site has previously been approved, and given the similarity in design and massing when compared to the adjacent building, it is considered that the proposed building to the rear of the site would be acceptable and would not be detrimental to the character and appearance of the locality.

Quality of living conditions for future occupants

The proposed units would each exceed the minimum unit and room size requirements set out in the London Plan. In respect of outlook and aspect, each unit would be dual aspect, and habitable rooms would all benefit from an outlook either into the open part of the site or into public areas.

In relation to outdoor amenity space, each unit would have some private outdoor amenity space in the form of a balcony or roof terrace. These would not provide sufficient area of outdoor amenity space to comply with the amenity space requirements in terms of area. However, the site includes areas of communal amenity space which have the scope to be appropriately landscaped to ensure they are useable spaces. Overall, the site would provide a sufficient area of outdoor amenity space to comply with the council's guidance.

The two proposed buildings are approximately 27.5 metres apart and therefore there would be no mutual overlooking between units in each block. In addition, this distance would ensure that the proposed buildings are not overbearing when viewed from the other block.

In terms of noise and disturbance that may result to future occupants from railway noise and air conditioning units at Ocean House, subject to conditions requiring enhanced glazing and ventilation being installed in accordance with the recommendations in the submitted noise report, no objections are raised.

Impact on the amenities of neighbouring properties

The proposed frontage building would project beyond the rear of the neighbouring property to the north. At ground floor level, the projection of approximately 5.5 metres is considered acceptable given the single storey scale. At first floor level, the proposed building would project approximately 2 metres beyond the rear of the neighbouring property to the north, with the remainder of the building set approximately 4.7 metres from the neighbouring boundary. On this basis, it is not considered that the building to the front would appear

overbearing or visually intrusive when viewed from the nearest neighbouring residential property to the north.

The proposal would not include any windows which face toward the neighbouring building and therefore the proposal would not harm the privacy or amenities of the occupants of this neighbouring property.

The proposed building to the rear would not be in close proximity to any neighbouring residential buildings. It would be over 30 metres from the buildings fronting Lytton Road. It would be approximately 0.7 metres from the rear amenity area of the neighbouring property to the north. However, the elevation adjacent to the boundary would be two storeys in height, 6.5 metres to the top of the flat roof. The taller element of this rear building would be set further from the garden to the north. On the basis of this relationship, it is not considered that this building would appear overbearing or visually intrusive when viewed from the neighbouring property to the north. The proposed rear building would include windows which would introduce some oblique views toward the neighbouring property. However, these windows would be over 30 metres from the main rear wall of the neighbouring house, and would have a primary aspect over the application site itself. This building would also include roof terrace areas, however these would include privacy screens to restrict overlooking toward neighbouring properties, and these screens will be secured by condition. Given the layout of the previously approved building and the distances set out, it is not considered that the building to the rear would harm the privacy of the occupants of any neighbouring property.

The relationship between the proposed buildings and the neighbouring office building at Ocean House is such that there would be no adverse impact on this neighbouring building.

Impact on highway safety

The total parking requirement for the site is 9.75 spaces. The scheme includes the provision of 7 parking spaces on site. However, the removal of the existing vehicular crossovers would create additional on-street parking capacity. On this basis, and having regard to the PTAL rating of the site, it is considered that the proposed parking provision is acceptable.

Accessibility and Sustainability

The application scheme is required by Policy 3.8 of the London Plan to meet Building Regulation requirement M4(2). The Mayor's Housing SPG (March 2016) acknowledges that in certain specific cases, the provision of a lift (where necessary to achieve this requirement) may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents. The SPG states that where necessary, Policy 3.8 should be applied flexibly to ensure that residential or mixed use development is deliverable. The SPG is clear that if proposals do not include step-free access, they should clearly demonstrate that achieving step free access would make the development unviable or would mean that service charges are not affordable for the intended residents. If the LPA accepts this then the base Building Regulation M4(1) could be applied.

In this instance, the applicant's agent has submitted further information in respect of service charges, and the impact that the installation of one lift in each block would have on service charges. Having regard to the increase in the service charge that would result, it is considered that in this case the installation of lifts would have a significant implication on the affordability of service charges for intended residents. Therefore, it is considered that only the base building regulation M4(1) should be applicable to this scheme.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 19% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered acceptable to comply with the London Plan's requirements.

In terms of water consumption, a condition is attached which would require each unit to receive water through a water metre, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

Other Matters

The scheme would be liable for the council's Community Infrastructure Levy, chargeable at approximately £167 per square metre. This will be secured through the CIL Regulations and would go toward highways, education, health, community and open space projects in the borough. The scheme would also be liable for Mayoral CIL (approximately £43 per square metre), which goes toward Crossrail.

5.4 Response to Public Consultation

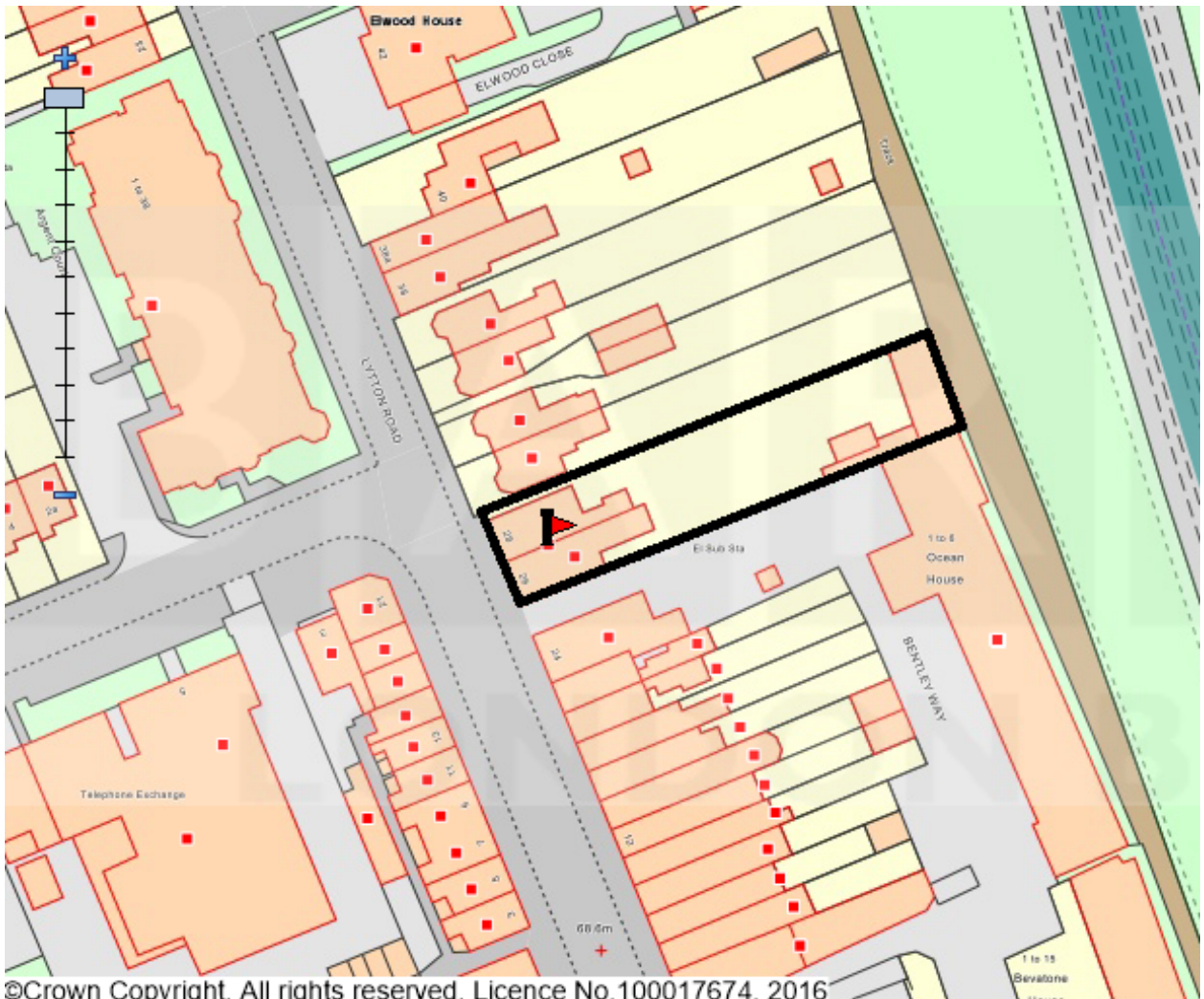
The comments received are addressed within the appraisal above. Whilst the scheme would result in the loss of trees, these are not protected and it should be noted that planning permission has previously been approved for development at this site.

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

This application is considered to comply with the requirements of the Development Plan and is therefore recommended for approval.



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