

**Location** 33 Lyonsdown Road Barnet EN5 1JG

**Reference:** 20/2925/FUL Received: 29th June 2020  
Accepted: 13th July 2020

Ward: Oakleigh Expiry 12th October 2020

**Case Officer:** Kie Farrell

Applicant: Abbeytown Limited

Proposal: Demolition of existing building and redevelopment of the site to provide a new 5 storey building comprising of 20 no. self-contained flats including basement level car parking, amenity space, landscaping, boundary treatment, bicycle and refuse storage and alterations to access arrangements from Richmond Road

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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. The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:

1. 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. Viability and affordable housing review mechanism in line with the Housing SPG and Mayor's requirements.
4. A financial contribution towards carbon off-setting of £12,832 in order to achieve net zero carbon dioxide emissions from the residential component of the development.
5. Meeting the Council's costs of monitoring the planning obligation.

## **RECOMMENDATION II:**

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

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

Drawing No. 11168-50 - Existing Block Plan (Site Location Plan)

Drawing No. 11168-01 - Existing Ground Floor Plan

Drawing No. 11168-02 - Existing Basement, First & Second Floor Plans

Drawing No. 11168-03 - Existing Front, Rear & Side Elevations

Drawing No. 11168-04 - Existing Long (Street) Elevations

Drawing No. 11168-05 - Neighbouring Building Elevations

Drawing No. 11168/20 H - Proposed Site & Ground & Basement Plans

Drawing No. 11168/21 F - Proposed Upper Ground Floor Plan

Drawing No. 11168/22 H - Proposed First and Second Floor Plans & Elevation

Drawing No. 11168/23 E - Proposed Front (Lyonsdown Road) & Roof / Block Plans

Drawing No. 11168/24 H - Proposed Rear (East) & Side (North) Elevations

Drawing No. 11168/25 F - Proposed Side (South) Elevations & Section AA

Covering Letter, Savills, 26 June 2020

Planning Statement, Savills

Design and Access Statement, Richard Maltese Architects

Daylight & Sunlight Assessment, Herrington Consulting Ltd, March 2020

Control of dust during construction document, Abbeytown Ltd, March 2020

Transport Statement, TPHS, March 2020

Sustainability and Energy Report, Bluesky Unlimited, 4th March 2020

Flood Risk Assessment & Surface Water Management Strategy, Herrington Consulting Ltd, September 2020.  
Arboriculture Implications Assessment and Method Statement, David Archer Associates, Updated October 2020.  
Phases 1 - 3 Contamination Reports, Site Analytical Services Ltd  
Townscape and Visual Impact Note, Gareth Jones Heritage Planning, 14 September 2020  
Townscape and Visual Impact Assessment, Peter Stewart Consultancy, March 2017  
Response to Neighbour objections and justification for demolition of existing building, Savills, 25 September 2020  
Preliminary Roost Appraisal, Greengage, dated 27th November 2020  
Ecological Site Walkover Letter Report, Greengage, dated 15th December 2020.

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 2016.

- 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 2016.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- 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. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;
  - x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise 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 October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under

Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety 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.

- 7 Before the development hereby permitted is first occupied, the basement and ground level car parking spaces shown on Drawing No. 11168/20 H shall be provided. Thereafter, 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 8 Notwithstanding the plans submitted, disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose. Details of revised parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be completed to the Authority's satisfaction before the building is first occupied and shall thereafter be kept available/ maintained for such use.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 9 Notwithstanding the plans submitted, before development commences details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests of highway safety 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.

- 10 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been

submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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 2016.

- 11 Prior to the occupation of the development, a Maintenance Agreement for the operation of the traffic light system for the ramped access and the electronic gates shall be submitted to and approved by the Local Planning Authority and shall not be carried out nor shall it be subsequently operated other than in accordance with the approved details.

Reason: In the interests of highway safety 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.

- 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 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 October 2016).

- 14 All aspects of the David Archer: Arboricultural Implications Assessment And Method Statement 33 Lyonsdown Road, Barnet, Hertfordshire EN5 1JG Client: Abbeytown Limited Ref: DAA AIR MS 06 Updated: October 2020 shall be fully implemented and strictly adhered to throughout all phases of the demolition and construction process.

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.

- 15 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 prior to the occupation of the hereby approved development.
- 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.
- d) The TPO trees (T27 & T28) removed to accommodate the proposal will be replaced with trees no smaller than 18-20cm girth extra heavy standards. X 1 scots pine (*Pinus sylvestris*) to replace the hemlock and x 1 Magnolia 'Heaven Scent' to replace the Amelanchier.

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 October 2016) and 7.21 of the London Plan 2016.

- 16 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm 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).

17 Part 1

Before development commences other than for investigative work:

a) 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.

b) 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.

c) 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

d) 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 October 2016) and 5.21 of the London Plan 2016.

- 18 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the Mayor's London Plan SPG on Sustainable Design and Construction and Policy 7.14 of the Mayor's London Plan in relation to air quality.

- 19 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.  
Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 20 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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 measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/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 neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 23 No development or site works shall take place until a Flood Risk Assessment and a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the details approved under this condition and retained as such thereafter.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April, 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

- 24 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate how such building or such parts of a building seek to apply the principles of Secured by Design'.  
b) The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 25 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, 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).

- 26 Other than the balconies and terraces shown on the approved plans, the roofs of the development hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 27 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.

- 28 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 30.54% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of Part L of the 2013 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 Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

- 29 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 30 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

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

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).

- 32 The development shall be implemented in accordance with the recommendations and mitigation measures, including the timing of development works and special techniques, contained within the Preliminary Roost Appraisal, Greengage, dated 27th November 2020 and Ecological Site Walkover Letter Report, Greengage,

dated 15th December 2020 documents approved under condition 1.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

33 An ecological management plan (EMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the EMP shall include the following:

1. Description and evaluation of ecological features to be managed;
2. Aims and objectives of biodiversity management, with actions designed to result in net gains for biodiversity at site for local priority species such as hedgehog, house sparrow, bats and pollinators;
3. Details of a lighting design strategy for biodiversity, identifying areas and features that are sensitive for bats, to include appropriate lighting contour plans and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species from using their territory;
4. Appropriate management options for achieving aims and objectives over a five-year period, targeting key Biodiversity Action Plan species;
5. Details of the body or organization responsible for implementation of the plan; and
6. Ongoing monitoring and remedial measures.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

### **RECOMMENDATION III:**

1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 14.04.2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS1 CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).

2. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS13 of Barnet's Local Plan Core Strategy (2012) and Policy DM04 of the Barnet's Adopted Development Management Policies Document DPD (2012).

**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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,

please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

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

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

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

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

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

- 3 Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should

you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 4 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
  
- 5 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
  
- 6 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.
  
- 7 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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.

- 8 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 9 For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.
- 10 The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via [developmenttravelplans@barnet.gov.uk](mailto:developmenttravelplans@barnet.gov.uk) or tel: 020 8359 7603.
- 11 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **OFFICER'S ASSESSMENT**

This application was called-in to Planning Committee by Councillor Stephen Sowerby on 23rd August 2020 for the following reason:

"If this application has not already received five or more objections please refer it to Chipping Barnet Planning Committee for consideration over concerns that it's an overdevelopment of the site and out of character in terms of design."

### **1. Site Description**

The application site lies on the eastern side of Lyonsdown Road, on the south-eastern corner with the junction at Richmond Road, within the Oakleigh Ward. Levels drop significantly from the front to the rear of the site, and as such the existing building is at a much higher level than the neighbouring properties on Richmond Road.

The site is of a significant size (approximately 0.17ha) and currently accommodates a substantial Victorian building, which is not statutorily protected from redevelopment but was made a locally listed building as part of the revised Local Heritage List was approved by the Policy and Resources Committee on 6th January 2020.

The building was previously occupied as a residential institution for the Society of African Missions, providing board and teaching for priests engaged on missions whilst in the UK. It is a three-storey building, although the lower storey is partly concealed from Lyonsdown Road due to the level changes affecting the site. It has a distinctive single storey front entrance corridor which projects from the main building up to the footpath. Given the site's elevated position, its corner location and minimal boundary enclosures, the building is highly visible when travelling west on Richmond Road and south along Lyonsdown Road.

It should be noted that there are several trees on the site covered by Tree Preservation Orders; one which extends almost from the rear of the building and up to the rear boundary sited adjacent to the boundary with No. 35 Lyonsdown Road and relates to land and trees on a raised bank (TPO/CA/225/G3). The other fronts Richmond Road ((TPO/CA/225/G2), and is adjacent to the boundary with no.36 Richmond Road. Given the openness of the rear part of the site the trees are visible in the street and contribute to the visual amenity of the locality providing visual relief from the built form. In addition, there is another TPO ((TPO/CA/409/G1) for a mature Horse Chestnut tree located at the front of the site, at the corner with Richmond Road, and thus occupying a very prominent position.

In September and November 2019 Tree applications were approved allowing a reduction in the height of a Lime tree within the Group G1 and thinning and branch lifting of other trees within Group G1 including the Horse Chestnut.

Lyonsdown Road is residential in character and comprises predominantly of large blocks of purpose built flats. Some single houses remain but a number of these have been converted into flats given their substantial size. The character of Richmond Road is also relevant given the corner location of the site; Richmond Road is characterised by smaller single family dwellings.

Outline Planning permission (B/01059/11) was granted in December 2011 for demolition of the existing building and erection of three detached, five bedroom houses. The corresponding Reserved Matters application (14/07185/RMA) was then approved in June

2015. This permission has not been implemented and expired in June 2017.

Outline Planning permission (17/0229/OUT) was granted in March 2017 for demolition of the existing building and erection of three detached houses. This permission has not been implemented and expired in March 2020.

A planning application was refused (17/2102/FUL) in September 2017 and dismissed at appeal (April 2018) for a similar (but larger) development to that currently proposed. Further details can be found in the 'Site History' section below.

## **2. Site History**

Reference: 17/2102/FUL

Address: 33 Lyonsdown Road, Barnet, Herts, EN5 1JG

Decision: Refused and dismissed at appeal.

Decision Date: Refused 04.09.2017. Appeal dismissed 11.04.2018.

Description: Demolition of existing building and erection of a part three, part four and part five storey building comprising of 22 self-contained flats. Provision of 15 parking spaces at basement level and 2 disabled parking spaces at ground floor level. Associated amenity space, cycle store, refuse and recycling storage.

Reasons for refusal:

1. The proposed development, by virtue of its excessive height, scale and massing would constitute an incongruous and visually dominant form of development on this corner plot that would fail to respect and respond to the adjoining streetscenes and context of both Lyonsdown Road and Richmond Road in particular, and would constitute overdevelopment of the existing site. The proposal would be contrary to Policies 3.4, 3.5, 7.4, and 7.6 of the London Plan (2016), Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted 2012) and Policies DM01 of the Development Management Policies DPD (Adopted 2012).
2. The proposed development, by virtue of its excessive height, scale, massing and proximity to the eastern residential properties on Richmond Road, combined with the lower siting of properties on Richmond Road would represent an overly dominant form of development that would appear significantly overbearing and harmful to these residential properties and gardens, to the detriment of the living conditions of these occupiers. The application is therefore contrary to CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (Adopted September 2012), policy 3.5 of the London Plan (2016) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (October 2016).
3. The application does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).

Appeal Decision Conclusion (Para 19):

"Although I have found that the proposal would not have harmful effect on the living conditions of the neighbouring residents, I have found that it would have a significant and harmful effect on the character and appearance of the area. Accordingly, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed."

Reference: 17/0229/OUT

Address: 33 Lyonsdown Road, Barnet, Herts, EN5 1JG

Decision: Approved subject to conditions

Decision Date: 14.03.2017

Description: Demolition of existing building and erection of 3 no two storey plus basement level and rooms in roofspace detached dwellings

**Reference:** B/01059/11

Address: 33 Lyonsdown Road, Barnet, Herts, EN5 1JG

**Decision:** Approved following legal agreement

Decision Date: 06.12.2011

Description: Erection of three detached, five bedroom houses (Outline).

Reference: 14/07185/RMA

Address: 33 Lyonsdown Road, Barnet, Herts, EN5 1JG

Decision: Approved subject to conditions

Decision Date: 23.06.2015

Description: Reserved matters application seeking approval for Scale, External Appearance and Landscaping pursuant to condition 3 of Outline Planning Permission B/01059/11 dated 06/12/11

### **3. Proposal**

The application seeks planning permission for:

"Demolition of existing building and redevelopment of the site to provide a new 5 storey building comprising of 20 no. self-contained flats including basement level car parking, amenity space, landscaping, boundary treatment, bicycle and refuse storage and alterations to access arrangements from Richmond Road".

The proposed building would have a maximum depth of approximately 16.5m and maximum width of approximately 29.5m. The building would be recessed approximately 9.5m from the boundary with Lyonsdown Road and a minimum of 3m from the boundary with no. Richmond Road.

The building would retain a gap of 23m to the nearest property on Richmond Road and 4.9m to the flank wall of the flatted development to the south on Lyonsdown Road.

The footprint of the building is as per the 17/2102/FUL scheme except for the addition of a basement level garden flat to the rear.

Given the drop in levels at the site, the proposal would utilise the topography to accommodate a lower ground floor (basement) level of accommodation.

Measured from the Lyonsdown Road pavement level at the proposed entrance (90.3 datum) the maximum height of the building would be 11 metres (101.3 to top of parapet). The 17/2102/FUL scheme was 14m in height at this same point. The height of the proposed building would be the same as the neighbouring Apex Lodge, 35 Lyonsdown Road.

The building is 5 storeys in height (including basement) and the drawings describe the storeys as: Lower Ground (Basement), Ground, Upper Ground, First, Second floors.

The building would be modern in appearance and feature balconies and recessed elements. The top storey would be set away from the junction of Lyonsdown Road and Richmond Road.

The development proposes the following unit mix:

- 10 x 1 bedroom (2P) units
- 3 x 2 bedroom (3P) units
- 7 x 2 bedroom (4P) units

15 car parking spaces are proposed. 13 at basement level and 2 disabled spaces at ground level to the front of the building (Lyonsdown Road).

Summary comparison with the refused 17/2102/FUL scheme:

- Reduction from 22 no. (9 x 1, 11 x 2, 2 x 3 bed) to 20 no. (10 x 1 bed and 10 x 2 bed) units
- Reduction in car parking spaces from 17 to 15.
- Reduction in height of building by 1 storey (maximum height reduced by 3.0m)
- Amended design to the Richmond Road elevation to reduce the overall bulk and massing as the building turns the corner.
- Addition of rear basement garden unit.

#### **4. Public Consultation**

Consultation letters were sent to 275 neighbouring properties.

A 14 day re-consultation was carried out following the receipt of amended drawings on 20th November 2020 (ended 4th December 2020). The amended drawings show the final scheme reduced further in terms of its bulk and mass on the Richmond Road corner comprising removal of the first floor winter garden and balcony areas.

92 responses have been received, comprising 92 letters of objection.

The objections received can be summarised as follows:

##### Character

- Out-of-character with other buildings on Richmond Road
- Existing building is a landmark on a prominent corner- demolition of this building would be a loss to the local character and history of the area
- Loss of locally listed building
- Loss of interesting bridge feature
- The previous approval for 3 houses would be more in keeping with the area.
- Taller than other buildings on both Lyonsdown Road and Richmond Road, particularly overwhelming on the Richmond Road frontage

- Projects beyond building line of Richmond Road
- Flat roof design is inconsistent with other flatted development in the area.
- Scale of development/ overdevelopment
- Poor design
- Proposed London Brick is not in keeping with St Mirren Court and Apex Lodge
- No blocks of flats on Richmond Road
- The proposed development would have a far greater impact than the three house scheme in terms of massing
- Building line is too close to the road
- Why can't the existing building be converted?
- Information submitted is incorrect as none of the named flatted developments have received approval recently (most consent listed are 40-50 years old).
- Object to the height, bulk and massing
- Visually would appear cramped
- Destroy open feel of the road
- Side elevation is not in keeping with properties on Richmond Road
- Suburban experience will be changed and will have the appearance of a town
- High density development
- Unsuitable typology for the area

#### Amenity

- Flat roof and terraces would result in overlooking into neighbouring gardens.
- No consultation with regards to the demolition and construction impact
- Loss of privacy and light
- Overlooking
- Overbearing building
- Due to change in ground levels the impact on the character and neighbouring amenity will be exaggerated

#### Trees

- Impact on amenity value of trees
- Removal of trees would be a loss to the current character
- Development would restrict views on to the protected trees with special amenity value.
- Proposal within Root Protection Area of protected trees

#### Highways

- Insufficient parking provision for the number of flats/ occupiers proposed
- Parking survey ignores that the greatest pressure for parking is during the day with pressures from commuters
- Increase in congestion
- Area prone to accidents; proposal would increase problems with Highways safety

#### Other

- No consultation with regards to a drainage strategy and impact on access to the public sewer
- No asbestos survey provided or how hazardous substances would be managed
- Small area cannot cope with added pressures resulting from development to local services
- Plans do not take into account underwater rivers/ streams
- Loss of wildlife
- Applicant has not consulted with neighbouring residents

In addition, Councillor Sowerby has raised an objection on the grounds that the proposal would be an overdevelopment of the site and out of character in terms of design.

The Rt. Hon. Theresa Villiers has also raised an objection to the proposal on overdevelopment, character and highways grounds.

The Barnet Society have raised concerns about the loss of a building of historical significance, the height of the proposed building being out-of-scale and overdevelopment.

## **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 revised National Planning Policy Framework (NPPF) was 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.

London's Places:

2.6 (Outer London: Vision and Strategy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use

Schemes); 3.13 (Affordable Housing Thresholds); 3.14 (Existing Housing); 3.15 (Co-ordination of Housing Development and Investment); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes);

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

### The Draft London Plan 2017

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

### 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, CS3, CS4, CS5, CS9, CS12, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM14, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

- Sustainable Design and Construction (October 2016)
- Residential Design Guidance (October 2016)
- Planning Obligations (April 2013)
- Affordable Housing (February 2007 with updates in August 2010)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- Locally listed building
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Dwelling Mix and Density
- Whether harm would be caused to the living conditions of neighbouring residents.
- Quality of Accommodation
- Highways implications
- Affordable Housing
- SUDS and Water Infrastructure
- Environmental Health
- Impact on Trees
- Impact on Ecology
- Accessibility and Sustainability measures
- Secured by Design

### **5.3 Assessment of proposals**

#### Principle of development

For areas such as the application site, which comprise high quality suburbs not identified as locations to which growth will be focused, policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure. As is set out in other sections of this report in greater detail the proposal is considered to be compliant with the objectives of these policies.

It is acknowledged that Lyonsdown Road is predominantly characterised by flatted developments, therefore the introduction of a flatted scheme is considered to be acceptable. Whilst the return elevation would front Richmond Road, which is more domestic in character, the principle of flats in this corner plot in itself is not considered harmful to the local area. The LPA did not object to the principle of a flatted development when application 17/2102/FUL was refused in September 2017.

The site is of a significant size and currently accommodates a substantial Victorian

building which has served as a residential institution for the Society of African Missions since the 1970s.

The building is not statutorily protected from redevelopment.

At the time of application 17/2102/FUL was determined in September 2017, the building was not locally listed and the Committee Report stated:

"Although the loss of this interesting building is regrettable, it is accepted that the principle of demolition of the existing building has been established by the previous consent and there are no additional material considerations to now warrant the demolition of the building unacceptable."

Planning permission has been granted for demolition of the existing building twice before (2011 and 2017) and the LPA did not object to the demolition of the building when application 17/2102/FUL was refused in September 2017.

#### Locally listed building

The building was made a locally listed building (a non-designated heritage asset) as part of the revised Local Heritage List which was approved by the Policy and Resources Committee on 6th January 2020. This is now a material consideration.

It is understood that the locally listed building status was granted without having full regard to the planning history of the site and its recent approval for its demolition.

The summary section of the Policy and Resources Committee Report (6th January 2020) states:

"Local heritage listing is a means for a community and a local authority to jointly identify heritage assets that are valued as distinctive elements of the local historic environment. It provides clarity on what makes them significant and identifies their location in the borough. This process ensures that the planning process takes account of the desirability of their conservation.

Barnet's current Local List was created in 1986 and has not been comprehensively reviewed since then, although subsequent additions to the list have been approved, most commonly as a consequence of a Conservation Area Character Appraisal. As such the current list required updating in accordance with current guidance and best practice.

Following the approval of new selection criteria, an extensive survey of the borough was undertaken by volunteers and others to identify and record Barnet's local heritage. A draft List was subsequently compiled, containing both new and existing entries. Consultation with owners and occupiers was carried out and the responses considered before finalising the list of entries. The revised Local Heritage List now proposed for approval includes previously listed assets together with new additions that have been recommended for inclusion by a selection panel of officers, councillors, heritage experts and local volunteers."

The relevant entry in the Draft Revised Local list states that the building is a:

"Large two storey detached house in the Italianate style. Yellow stock brick with stone dressings. Shallow pitch roof. Landmark site at corner of Lyonsdown Road, veranda,

decorative roof detail, stained glass windows. Built 1907 as Lyonsdown School, later became a home for unmarried mothers and the (1950s) headquarters of the Society for African Missions."

The Heritage Team Leader is aware of the current application and agrees that although it is regrettable for the building to be lost, the principle of its demolition had previously been established and must be given due weight in considering the current proposals.

Comments received from the Heritage Team Leader on 21st January 2021 are as follows:

"This former school building, which is locally listed, is little altered externally and retains its original character and appearance. Built in the Italianate style of architecture, it is one of the few remaining Victorian properties in Lyonsdown Road and provides an important link to the area's past. It makes a positive contribution to the streetscene and local character. As a non-designated heritage asset, and in accordance with NPPF (paragraph 197), the loss of the building, which is regrettable, should be taken into account as part of a balanced judgement in determining this application".

The NPPF Paragraph 197 states:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The relevant parts of Barnet's Policy DM06 - 'Barnet's heritage and conservation' state:

a. All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

c. Proposals involving or affecting Barnet's heritage assets set out in Table 7.2 should demonstrate the following:

- o the significance of the heritage asset
- o the impact of the proposal on the significance of the heritage asset
- o the impact of the proposal on the setting of the heritage asset
- o how the significance and/or setting of a heritage asset can be better revealed
- o the opportunities to mitigate or adapt to climate change
- o how the benefits outweigh any harm caused to the heritage asset.

d. There will be a presumption in favour of retaining all 1,600 Locally Listed Buildings in Barnet and any buildings which makes a positive contribution to the character or appearance of the 16 Conservation Areas.

#### Assessment against NPPF Para 197 and DM06 and the Planning Balance

In accordance with the NPPF and Policy DM06, the harm identified to the significance of the non-designated heritage asset should be weighed against the benefits of the proposal whilst also considering the significance of the non-designated heritage asset.

Clearly the proposed development would result in the demolition and therefore total loss of the existing locally listed building (non-designated heritage asset).

In terms of the significance of the building it is relevant that the building is not within a Conservation Area and therefore its loss would not have a harmful impact on a Conservation Area.

Whilst Policy DM06 states that there is a presumption in favour of retaining all locally listed buildings, it is a material consideration that planning permission has twice before been granted for demolition of the existing building which would seem to indicate that the significance of the building is low. Furthermore, in refusing application 17/2102/FUL in September 2017 the LPA did not object to the demolition of the building.

Another indicator that the significance of the building is low is the fact that the building has not previously been locally listed (not until 6th January 2020).

It is also relevant that, because the building is not within a Conservation Area, its retention falls outside of planning control as it could be demolished using permitted development rights set out within Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (As amended).

In terms of the balancing exercise required by Para 197 of the NPPF and Policy DM06:

The harm identified as a result of this proposal is:

- Total loss of a locally listed building (non-designated heritage asset) which is not within a conservation area and for which planning permission for demolition has twice been granted before.

The benefits of the proposed scheme are:

The existing building is vacant (and has been for approximately 5 years) and so the redevelopment will not result in the loss of an existing use.

The redevelopment will provide benefits in terms of bringing the site back into use and providing much needed residential accommodation.

The proposed development will provide 20 no. residential units in a sustainable location in close proximity to New Barnet Railway station.

The proposal provides a mixture of 1 and 2 bed units including 7 x 2 bed 4 person units which can accommodate a young family.

It is relevant to this assessment that the development now proposed is a significant improvement in character and appearance terms when compared to the 17/2102/FUL scheme that was refused in September 2017 and dismissed at appeal in April 2018. The current scheme has overcome previous Officer concerns and a much improved design has been presented.

The proposed development has been reduced by a storey (3.0m) in height and the design has been improved; reducing the overall bulk and massing as the building turns the corner of Richmond/Lyonsdown Roads.

The scheme will support the local economy in terms of construction jobs and CIL payments.

It is considered that whilst the proposed development would result in substantial harm

(total loss) of the locally listed building, the significance of the building is considered to be low based on previous planning history (planning permission for its demolition) and because the building falls outside of a conservation area.

In terms of benefits, it is considered that the proposed development providing 20 units of much needed residential accommodation and bringing the vacant site back into use after 5 years are significant benefits.

Therefore, having taken all material considerations into account, it is considered that the benefits of the proposed development outweigh the harm to / loss of the locally listed building and as such its demolition remains acceptable.

#### Impact on the character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, and in this case the building should respect the character of both Lyonsdown Road and Richmond Road.

As mentioned above, there are several examples on Lyonsdown Road of flatted development of varying architectural styles and heights, including the four storey building adjacent to the site (Apex Lodge, no.35 Lyonsdown Road) and the three storey building opposite the site (St Mirren Court). The section of Richmond Road to the west of the site predominantly accommodates two storey family dwellings, which due to the topography, lie at a significantly lower level than buildings on Lyonsdown Road.

The previous 17/2102/FUL scheme was refused by the Local Planning Authority (in September 2017) for the following character reason:

"The proposed development, by virtue of its excessive height, scale and massing would constitute an incongruous and visually dominant form of development on this corner plot that would fail to respect and respond to the adjoining streetscenes and context of both Lyonsdown Road and Richmond Road in particular, and would constitute overdevelopment of the existing site. The proposal would be contrary to Policies 3.4, 3.5, 7.4, and 7.6 of the London Plan (2016), Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted 2012) and Policies DM01 of the Development Management Policies DPD (Adopted 2012)."

The subsequent appeal was dismissed (April 2018) and the Inspector agreed that the proposal was unacceptable in character terms. The Inspector's Report (Paragraphs 4 to 10) discusses character and appearance as follows:

Para 4: "The appeal site is situated on the corner of Richmond Road and Lyonsdown Road and comprises a substantial visually distinct Victorian property which makes a positive contribution to the character and appearance of the area. It is understood that there is an extant permission to demolish this property and redevelop the site with three detached dwellings. It is also clear that the Council do not object in principle to the appeal site being redeveloped for flats. However, the Council are concerned in this case, amongst other matters, that the proposed development would have a harmful effect on the character and appearance of the area."

Para 5: "Lyonsdown Road has a mixed residential character. Whilst it retains a number of Victorian properties, many of the plots have been redeveloped for apartment blocks which are interspersed with post-war detached and semi-detached dwellings. The preponderance of flats along Lyonsdown Road is recognised in Barnet's Characterisation Study, 2010. However, the street's sylvan appearance with buildings generally of a consistent height, scale and alignment, all contribute to giving the area a suburban character and the street does not have an urban feel."

Para 6: "The site's prominence is heightened by its location at the crossroads of Lyonsdown Road and Richmond Road. It is clearly perceived as not only forming part of Lyonsdown Road's street scene, but also in the context of the modest neighbouring two storey housing that is prevalent on Richmond Road. The domestic scale of Nos. 31 and 33 Lyonsdown Road, which are situated at this crossroads, currently provide a coherent transition between the different forms of development found on these two streets."

Para 7: "The proposed development would replace the existing two/three storey property with a four/five storey block of flats. When taking into account the site levels, and including the basement parking, the proposed building would appear as almost six storeys in height when viewed from Richmond Road. I recognise that amendments have been made to the design of the proposal in an attempt to reduce its scale and mass where it flanks Richmond Road. However, even when taking into consideration its mature landscape setting, the building would be a dominant form. Its overall scale and monolithic form would not sit comfortably on the corner of this suburban street, where existing development generally appears subordinate to its verdant surroundings."

Para 8: "The existing apartment blocks along Lyonsdown Road are generally three/four storey in height, including where they incorporate pitched roofs. Their rooflines are relatively consistent in height which provides a harmony to the street scene and reinforces the area's suburban character. In contrast, the height of the appeal proposal would appear incongruous in this location and would conflict sharply with the existing rhythm of the street. Furthermore, the bulky block form and depth of the development would be conspicuous on this corner plot, particularly when viewed directly from Richmond Road or traveling south along Lyonsdown Road. The building's overall scale and appearance would not reinforce local distinctiveness nor would it respond to the domestic scale and characteristics of neighbouring development on Richmond Road. It would introduce a dominant urban form which, for the reasons given above, would not sit comfortably in this location and would have a harmful effect on from the character and appearance of the area."

Para 9: "I have taken into consideration the density requirements set out in Table 3.2 of the London Plan, and there is clearly a dispute between the main parties about whether or not the appeal site is located in an urban or suburban area. Whilst I recognise that the site lies within 800 metres of a District centre and that there are buildings in the street which are two to four storeys in height, it can be seen from my findings in the paragraphs above that I consider the appeal site to lie in an area which has a suburban character and appearance. The proposed development would provide well designed homes that would exceed spatial standards and provide good levels of on-site parking, private and communal space. In this respect the proposal would not represent overdevelopment of the site. However, the number of apartments proposed has manifested itself in the excessive height of the proposal, and this would not reflect the existing character of the area or reinforce local distinctiveness. Consequently, the proposal would conflict with Policy 3.4 of the London Plan which requires new housing to take into account local context and character."

Para 10: "I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with the development plan, and in particular with Policies 3.4, 3.5, 7.4 and 7.6 of the London Plan, Policy CS NNPF, CS1 and CS5 of Barnet's Local Plan Core Strategy, 2012 and Policy DM01 of Barnet's Development Management Policies Development Plan Document, 2012 which all seek to ensure that new development, amongst other things, enhances the quality of local places, takes into account local context, has regard to the pattern and grain of existing spaces and building's scale, proportion and mass, including the enhancement of the borough's high quality suburbs."

In order to address the concerns of Planning Officers and the Planning Inspectorate, the applicant has amended the scheme in the following ways:

- Reduction in height of building by 1 storey (maximum height reduced by 3.0m)
- Amended design to the Richmond Road elevation to reduce the overall bulk and massing as the building turns the corner.
- Reduction from 22 no. to 20 no. units.

It is considered that the reduction in height of the proposed building by one storey (3.0m) and the significant reduction in the scale of massing of the building at the junction of Richmond Road and Lyonsdown Road will reduce the impact of the proposal in character and appearance terms to acceptable levels.

Whilst the 17/2102/FUL scheme would have appeared in the Lyonsdown Road and Richmond Road Streetscenes as a 5 storey building, the current proposal would now appear as a 4 storey building which is in keeping with other surrounding buildings including the neighbouring Apex Lodge (35 Lyonsdown Road). The proposed building would be the same height as Apex Lodge.

The response in order to reduce the scale and massing of the building on the Richmond Road / Lyonsdown Road corner has been successful by setting back and down this part of the building to provide visual relief when viewed from and around this intersection.

It is considered that the proposed building could now be accommodated on the site without being seen as a visually intrusive or incongruent structure in the context of the surrounding area.

The proposed building line would extend further North than the existing building line or that

of the houses previously approved under permission 17/0229/OUT, however the LPA did not object to the footprint of the building or building lines when refusing the previous 17/2102/FUL scheme and this position remains unchanged.

The Local Planning Authority does not raise any objection to the overall design and indicative materials given the mixed nature of the area and details will be secured by way of planning condition.

It is considered that the proposed development has been amended in such a way that the previous concerns of Officers and the Planning Inspectorate have been overcome and the scheme is now deemed to be acceptable on character and appearance grounds.

### Dwelling Mix and Density

The mix of dwelling types proposed in the development is as follows:

- 10 x 1 bedroom (2P) units
- 3 x 2 bedroom (3P) units
- 7 x 2 bedroom (4P) units

The dwelling mix proposed is considered to include an appropriate range of dwelling sizes and types for this location. In this respect the proposal would make a reasonable contribution to meeting the needs of the growing and diverse population of the borough. In light of these factors it is considered that in this instance the dwelling mix proposed is acceptable and compliant with planning policy.

The National Planning Policy Framework outlines principles for sustainable development including that planning decisions should optimise the potential for sites to accommodate development. London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site benefits from a PTAL of 3 and is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35-95 units per hectare. Taking the site area of 0.17ha, the proposal for 20 flats (approximately 71 habitable rooms) would equate to a density of 118 units per hectare (418 habitable room per ha). This is in excess of the recommended density.

Notwithstanding this, it should be noted that the PTAL density matrix is not a static tool and must be read in conjunction with the London Plan Policy 3.4 which states that taking into account local context and character, design principles and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in the matrix. The supporting text to Policy 3.4 explains that it is not appropriate to apply the matrix mechanically. The density ranges are broad and this enables account to be taken of other factors relevant to optimising potential.

In addition, the Housing SPG reinforces that development should optimise the fullest potential of a site consistent with all the relevant planning objectives. Ensuring high density housing is sustainable depends on a range of factors regarding development quality. The

SPG gives specific direction and guidance to small sites and the consideration of density. It states that when establishing the appropriate density for small sites, attention should be given to factors influencing the setting of a development site including existing streetscapes, massing and design of the surrounding built environment and emphatically local context. Where development is of a higher density locally, the small site should be of a higher density and it is considered that this scheme reflects these principles here. Furthermore the SPG provides guidance in relation to developments that might exceed the adopted density ranges. The acceptability of doing so is based on complying with a range of qualitative factors in a checklist within the SPG. These include local context, design and transport capacity as well as open space, layout, amenity, size, scale and design.

The proposed dwelling mix and density are considered to be acceptable.

### Impact on the amenities of neighbours

The proposal is required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. Policy DM01 of the Development Management Plan Policies states in part that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The previous 17/2102/FUL scheme was refused by the Local Planning Authority (in September 2017) for the following impact on neighbour amenity reason:

"The proposed development, by virtue of its excessive height, scale, massing and proximity to the eastern residential properties on Richmond Road, combined with the lower siting of properties on Richmond Road would represent an overly dominant form of development that would appear significantly overbearing and harmful to these residential properties and gardens, to the detriment of the living conditions of these occupiers. The application is therefore contrary to CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (Adopted September 2012), policy 3.5 of the London Plan (2016) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (October 2016)."

The subsequent appeal was dismissed (April 2018) but the Inspector did not agree with the LPA that the proposal was unacceptable in terms of impact on neighbour amenity. The Inspector's Report (Paragraphs 11 to 16) discusses impact on neighbour amenity as follows:

Para 11: "The proposed development would be sited in approximately the same location

as the existing property on the appeal site. Its orientation would be perpendicular to the neighbouring residential development on Richmond Road and consequently the rear elevation of the proposed flats would look towards to the flank wall of No 36 Richmond Road and its rear garden area."

Para 12: "There are no windows in the flank wall of No 36, and there would therefore be no direct line of sight between the proposed development and this property's habitable rooms. The Council's Residential Design Guidance, Supplementary Planning Document, 2016 (SPD) recognises that the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or balconies. It further advises that a minimum distance of 21 metres between properties with facing habitable room windows should be provided and 10.5 metres to a neighbouring garden."

Para 13: "In this case, due the orientation of the proposed development, there would be there would be no facing habitable room windows. However, the proposed flats would have habitable room windows and balconies which would look towards and over No 36 Richmond Road and its neighbour's rear garden areas."

Para 14: "I have taken into consideration the height of the proposed development which would appear as nearly six storeys from within those neighbouring gardens. I have also taken into consideration the site levels. However, the distance between the proposed windows/ balconies and neighbouring gardens would be over twice the recommended distance set out in the SPD. In view of that distance and the angle at which those views would be from, I consider that the development would be sufficiently far enough away from those garden areas to prevent any loss of privacy to existing occupiers, even when taking into account the number of floor levels proposed."

Para 15: "The mature trees which are situated within the appeal site and on the banking close to the neighbour's garden would provide some visual relief and mitigate the overall scale of the proposed rear elevation when viewed from neighbouring gardens. Taking into account the distance the development would be from those garden areas, and the mitigation provided by existing trees, I do not consider that the development would be overbearing. Moreover, given the position of the proposed development, it would not dominate the outlook from the habitable room windows on the rear elevation of No 36."

Para 16: "I conclude that the proposed development would not have harmful effect on the living conditions of neighbouring residents on Richmond Road, with particular regard to outlook. It would comply with the development plan, and in particular I find no conflict with the privacy and amenity aims of Policy DM01 of the DPD and SPD. I also find no conflict with one of the core planning principles of the National Planning Policy Framework that aims to provide a good standard of amenity for all existing and future occupiers of land and buildings."

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between habitable rooms should be 21 metres and a distance of 10.5 metres between a new development and a neighbouring garden. The proposal would retain a distance of over 23m to the property to the west on Richmond Road.

Notwithstanding this, the LPA were previously concerned that the height of the height of the building at 5 storeys would have had a harmful impact on the visual amenities of

neighbouring residents on Richmond Road.

As set out above the Planning Inspectorate did not agree with the LPA on this point, finding that the proposed development would be acceptable in terms of impact on residential amenity.

As the height of the proposed development has now been reduced by one storey (3.0m) and with the Inspector's conclusions in mind, it is now concluded that the proposed development would not have an unacceptable impact on the visual or residential amenity of the occupiers of any neighbouring properties.

Insofar as the impact of the development on the daylight, sunlight and overshadowing to neighbouring occupiers, it is considered that this will not be so significant as to cause demonstrable harm to neighbouring amenity.

The Council's Environmental Health officers have been consulted and consider that subject to a condition requiring construction management details and an asbestos survey, the proposal would not have a detrimental impact on the amenity of neighbouring and future occupiers.

The residential dwellings proposed in the development are of a nature that they would not be expected to generate unacceptably high levels of noise and disturbance, to such an extent that they would harm the amenities of the occupiers of neighbouring properties (which include residential uses), in the normal course of their occupation.

It is considered that the proposed development has been amended in such a way that the previous concerns of Officers in terms of impact on neighbour amenity have been overcome and the scheme is now deemed to be acceptable in this respect.

#### Quality of accommodation

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

Policy DM02 states that new residential 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; 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);

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD (adopted 2016) and the London Plan 2016. The minimum space standards for single storey units are specified as:

- Flat with 1 bedroom (for 2 occupiers) would require a minimum area of 50sqm;
- Flat with 2 bedrooms (for 3 occupiers) would require a minimum area of 61sqm;
- Flat with 2 bedrooms (for 4 occupiers) would require a minimum area of 70sqm;

All of the proposed units would comply and in some cases exceed these standards.

Similarly the proposed units would offer suitable outlook and daylight to future occupiers, and as such the Local Planning Authority does not object in this regard. The applicant has provided a Daylight and Sunlight report which confirms that the units would benefit from suitable daylight/ sunlight which would pass BRE standards.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room; where a room is over 20sqm, the SPG advises that this should be considered as two habitable rooms. It is calculated that the development would result in 71 habitable rooms and would be expected to provide 355 sq m. The scheme would provide over 600 sqm accommodated within a communal garden and additional amenity in the form of balconies and private terraces. Given the combined communal amenity space, accessed through a side gate along the southern boundary, and private terraces, the Local Planning Authority is satisfied that future occupiers would benefit from a good level of outdoor amenity space.

The siting of the refuse and recycling arrangements are indicated and officers do not raise objection to the siting of refuse store. Further details would be secured by a condition if planning permission is granted.

The proposal is considered to provide adequate amenity for future occupiers and is acceptable in this regard.

### Highways

The application proposes 15 car parking spaces to serve 20 residential (10 x 1 bed and 10 x 2 bed) units.

The application site has a PTAL rating of 3 and is in close proximity to New Barnet Railway station as well as a number of regularly served bus stops.

Policy DM17 requires provision of between 1.5 and 2 parking spaces for flats with 2 or 3 bedrooms and 1 to less than 1 parking spaces are required for flats with 1 bedroom.

The Council's Highways department has been consulted and consider that, taking into account the PTAL score of the site and the parking standards set out within Policy DM17, that the development should ideally provide 18 no. car parking spaces.

Policy DM17 states that where a development does not accord with the parking standards set out in the policy a parking survey should be submitted to demonstrate that sufficient on-street capacity exists to accommodate any overspill parking.

A Parking Survey was submitted with the Transport Statement and this demonstrates that there is space on surrounding unrestricted road to accommodate the expected on street demand of 3 no. spaces.

A total of 15 car parking spaces will be provided, comprising 13 in the basement and 2 disabled car parking spaces from a proposed vehicle crossover on Lyonsdown Road.

A two stage traffic signal system will be used to control the ramp access to the basement car park.

In accordance with Policy 6.9 of the London Plan, the development would require 1 cycle space for 1 bedroom dwellings and 2 cycle parking spaces per 2 + bedroom dwelling. 40 cycle spaces are proposed within the basement which is in accordance with the standards.

The Council's Highways department does not raise an objection to the proposed development subject to conditions.

The conditions proposed relate to the provision of the car parking spaces, disabled car parking spaces, electric charging points, details of the access ramp and demolition and construction management.

The proposed development is considered to be acceptable in highways terms.

### Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to family housing provision

It identifies that negotiations should take account of a site's individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off-site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may, in exceptional cases, accept the provision of off-site affordable housing or a commuted payment instead of such provision.

The Policy sets a target of 40% affordable housing on sites of 10 units or more or covering 0.4 hectares or more.

As the proposed scheme would involve more than 10 residential units, the development would be subject to affordable housing provision.

The applicant has provided a Viability Assessment (BNP Paribas) which concludes that the proposed development cannot viably provide any Affordable Housing.

The BNP Paribas report has been independently reviewed on the Council's behalf by Bailey Venning. The review by Bailey Venning (which included a review of the Build Costs) also concludes that the scheme is not sufficiently viable to provide any Affordable Housing.

The Bailey Venning Report recommends that the planning authority should give consideration to a review mechanism in the event that substantial progress with the development is delayed, in line with requirements set out in the emerging London Plan.

A review mechanism will be included in the legal agreement.

Following the review of the applicant's viability case and build costs Officers are satisfied that the proposed development cannot viably provide any affordable housing and the requirements of Policy DM10 have been satisfied.

### SUDS and Water Infrastructure

The site falls within Flood Zone 1 and the risk of surface water flooding and groundwater flooding is low.

The Council's Infrastructure Consultants have carried out a Sustainable Drainage Review based on the Flood Risk Assessment & Surface Water Management Strategy submitted by the applicant and have concluded that, subject to additional details secured by condition, the proposed development would manage surface water runoff effectively.

### Environmental Health

The Environmental Health department has reviewed the application details and has no objection subject to conditions relating to contaminated land, noise mitigation and construction management.

### Impact on Trees

The application site includes a number of TPO protected trees.

The application proposes the removal of some existing trees on the site.

The Council's Tree Officer has reviewed the submitted tree documents and commented as follows on the proposed tree removals:

"The proposed tree removals are trees that would not sit comfortably in the new context and are in poor condition. These trees are T17, T27 & T28 and have been proposed to be replaced with scots pine, strawberry tree and magnolia. The final tree species selected, and sizes should form part of a comprehensive landscape scheme for the development.

The replacement trees for TPO trees should be of a size that will make an immediate visual impact in the gardens."

The Tree Officer also reviewed the submitted 'Arboriculture Implications Assessment and Method Statement by David Archer Associates' which sets out how the existing trees to be retained will be protected during construction.

Some amendments were requested to the original document and an 'Updated October 2020' version of the document was provided by the applicant's agent.

The Tree Officer is satisfied that the development can be implemented in accordance with the details set out in this amended document and he has also requested that levels and landscaping conditions be attached to any planning permission issued.

The landscaping condition will be a bespoke condition including the following wording:

"The TPO trees (T27 & T28) removed to accommodate the proposal will be replaced with trees no smaller than 18-20cm girth extra heavy standards. X 1 scots pine (*Pinus sylvestris*) to replace the hemlock and x 1 Magnolia 'Heaven Scent' to replace the Amelanchier. "

It is considered that the proposal development, subject to the conditions discussed above, would not cause demonstrable harm to the amenity value of the protected trees on the site.

### Ecology

Preliminary Roost Appraisal (Greengage, dated 27th November 2020) and Ecological Site Walkover Letter Report (Greengage, dated 15th December 2020) documents have been submitted with the application.

The reports conclude that the site has low potential to support foraging and roosting bats.

The Council's Ecologist has reviewed the submitted documents and is satisfied that the development can be approved subject to conditions relating to Bat mitigation and requiring submission of an Ecological management Plan prior to commencement of development.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies. In addition, the applicant has confirmed that 10% of the units are wheelchair adaptable and therefore would comply with M4(3).

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 30.54% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

Barnet's Development Management Policy DM04 sets out that all major development will be required to demonstrate compliance with the Mayor's targets for carbon reductions.

In support of this application a Sustainability and Energy Statement has been submitted. The methodology of the assessment is based upon the emerging policy in the new London Plan and uses the carbon factors for gas and electricity proposed for the new SAP 10.1. Using this methodology, the total savings in carbon would be 57.51% through the use of high quality building fabric, Air Source Heat Pumps as a renewable technology and electric space heaters within each apartment.

Under London Plan policy 5.2 the development would be required to reach zero carbon. Based on the SAP 10.1 residual emissions are 7.129 tonnes and therefore the carbon offset payment required from the development will be £12,832.

Based on this assessment and off set payment, the proposed development will comply with local policy DM04 and 5.2 of the London Plan to achieve a sustainable development.

The £12,832 carbon offset payment will be secured by way of legal agreement.

#### Secured by Design

The Metropolitan Police Designing Out Crime Team have reviewed the application and have requested that a planning condition is attached to any approval requiring the development to achieve Secured by Design accreditation prior to occupation.

### **5.4 Response to Public Consultation**

It is considered that the planning related objections have been addressed in the report above.

### **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**

Recommended for APPROVAL subject to legal agreement and conditions.

