

**PLANNING COMMITTEE A – 9<sup>th</sup> February 2021**

**ADDENDUM TO OFFICERS REPORT**

**Pages: 3-44**

**Item: 6**

**Reference: 20/2925/FUL**

**Address: 33 Lyonsdown Road**

**Recommendation III**

The date in Recommendation III shall be updated to state 9.5.21 to allow a period of up to 3 months for completion of the legal agreement.

Additional objections have been received from the SAVE Britain's Heritage and The Victorian Society who objection to the demolition of the Locally Listed Building. Their comments are summarised as follows:

- Fails to comply with national and local policy for preserving Barnet's historic environment.
- The buildings significance includes being a mid-Victorian villa which retains much of its original internal and external features, such as the glazed entrance added in 1912 and internal details, including ornate fireplaces and Tudor-inspired plasterwork, a grand oak staircase, and the Victorian underfloor heating system. The juxtaposition between the Italianate design of the main body of the building, and the unusual, glazed extension makes for a characterful road frontage, increased by the delicate detailing surrounding the entrance onto the street.
- Has a strong historical significance representing an important testament to the Victorian house building and urban expansion that shaped the area and provides a rare well preserved example.
- Recognised in the council's local list as a "landmark site" .
- It is a non-designated heritage asset (NDHA) of great significance to the historic character of the area. Its demolition will cause unjustified, irreversible and substantial harm detrimental to the local area. The NPPF (paragraph 197) states "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The scale of harm is great given the building's total loss.
- The historic significance of this building to considered high, informed by its aesthetic merit, its social and communal value to the area, and the level of intact architectural interest it displays. The building is of real architectural quality and interest. It is considered the substantial harm incurred by this application, and similarly in the refused 2018 application to be disproportionate and therefore unacceptable.
- Local Listing is a material consideration, indicating the building is worthy of protection. No heritage statement has been submitted to account for the locally listed status of the existing building.
- The UK Government's Local Heritage List Campaign, has re-emphasised the importance of local heritage in the UK planning system. Updated guidance by Historic Englang (Advice Note 7) states that for local lists to fulfil their purpose, "local planning authorities should be clear as to how the list will inform their decision-making on heritage assets."

- Granting permission to demolish the building so soon after adoption undermines the integrity of the local listing, suggesting Barnet Council gives little weight to its locally listed buildings.
- Will set a dangerous precedent for the future protection of locally listed buildings in Barnet.
- 33 Lyonsdown Road is capable of being refurbished or converted to deliver new housing, a key justification for the current demolition scheme. Emphasis needs to be put on the importance of reusing and recycling buildings such as this as per Historic England guidance.
- A previous application for conversion to five townhouses in 2017 was granted permission and supported by residents. Question why this precedent for conversion has not informed the applicant's approach in this application.
- Lack of any assessment for why conversion is not possible.
- The demolition of this building would be wasteful and irresponsible to the effort to tackle climate change. It's demolition would have a negative carbon cost, contradicting paragraph 148 of the NPPF which encourages the conversion of existing buildings.

The agent has also added further information to support the application. The key points are summarised below:

- Part D of Policy DM06 relates to the presumption in favour of retaining locally listed buildings and any building that makes a positive contribution towards the Borough's conservation areas. As the site is not located in a conservation area it cannot be considered against the second part of this part of Policy DM06.
- The existing building was locally listed in January 2020 although the applicant was never made aware of any consultation and not informed as such until 6th August 2020 after the submission of the current application despite having undertaken pre-application discussions with the Council.
- The building does not warrant local listing, paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset requires a balanced judgement having regard to the scale of any harm or loss and the heritage significance of the heritage asset. In assessing the demolition of a locally listed building the local authority is required to balance the loss of the building against the public benefits the scheme offers. It is our view that as the building lies outside a conservation area and surrounded by modern development, the building could only be considered to be of limited heritage significance.
- It can be demolished under PD rights with the only requirement being prior notification to deal with methodology.

The public benefits of the scheme are included within the application documents but are summarised below.

#### **Housing Delivery**

- Will deliver new homes from brownfield sites in line with national guidance.
- Assists the Council in meeting housing targets -an example to optimise development potential and housing delivery to meet unmet targets.

- This is a significant public planning benefit of the scheme in order to deliver more housing in a Borough which is currently unable to meet their housing delivery targets as well as providing new homes in a range of unit sizes to meet a range of demands.

#### **Other key public benefits**

- Will create new job opportunities during the construction phase of the development, generate new expenditure into the local economy, result in new Council Tax income from the site and provide a contribution towards local infrastructure through a CIL liability.
- Will provide new environmental benefits including carbon reductions through renewable technologies and through the construction of the building to meet modern day requirements, a betterment of surface water runoff through the use of sustainable drainage measures and various landscape improvements including replacement planting of trees with native species.

#### **Previous consents for demolition and demolition under Permitted Development**

- The Local Planning Authority have previously granted permission to demolish the existing building twice before with no objections raised by the Council. It was not locally or statutorily listed which confirmed that there was no special interest in the building that would prevent development taking place. There has been no material change in circumstances at the existing site meaning the building is any more worthy of being locally listed now.
- Question why the site has even been progressed as a possibility on the list when there has been a consent to demolish, that has only recently expired in March 2020, after the list was adopted in January 2020.
- The building, being outside a conservation area, can be demolished without the need for planning permission through the use of permitted development rights. This is a strong material consideration as the building could be demolished outside of this application.
- The principle of demolition, previously found acceptable under the same local plan policies can only be found to be acceptable when considering the substantial package of benefits.
- The benefits of the scheme outweigh to a large degree the loss of the building on site, which as a non-designated heritage asset, lying outside a conservation area and surrounded by modern development, could only be considered to be of limited heritage significance.

**Pages: 45-52**

**Item: 7**

**Reference: 20/0587/MDL**

**Address: 11 – 13 Approach Road**

**Recommendations**

The recommendation is for approval subject to Deed of Variation and therefore the following recommendations will be added:

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. A financial contribution towards off-site affordable housing of £150,000.
4. A financial contribution towards Parks and open Spaces of £11,000
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 conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control.

RECOMMENDATION III: 1 That if the Deed of Variation has not been completed by 09.05.2021, 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).

Building completion and occupancy status:

The applicant was asked to clarify the position in respect of the building's completion and occupancy status. A reply was received by email on 9.2.21 which states:

"The building is not complete, there are substantial works that need to be undertaken including erecting scaffolding, installation of the permanent roof, technical works in the basement just to name a few items."

I did say the building was unoccupied and that is correct. We have 24 hour security which is costing a lot but we did NOT even include this cost in our study. We cannot afford to end up with vandals / squatters. Utility letters are to the landlord as utilities are used when building work takes place and they charge a standing charge."

**Pages: 71-88**

**Item: 9**

**Reference: 20/2734/FUL**

**Address: 2 Netherfield Road**

Amend description and references in report to omit "Provision of 2 no. off-street parking spaces."