

**Location**                      **Spectrum House Hillview Gardens London NW4 2JR**

**Reference:**                      **17/6496/FUL**                      Received: 13th October 2017

Accepted: 16th October 2017

Ward:                              Hendon                                      Expiry 15th January 2018

Applicant:                      Crocus Field Ltd

Proposal:                      Demolition of existing buildings and redevelopment of the site to provide a part three-storey, part two-storey residential building with basement parking area to provide 32 flats and associated private and communal amenity space. Provision of 40 car parking spaces

**Recommendation:** Approve subject to conditions

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

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

6199-PL-001 (Location Plan)

6199-PL-103 (Site Plan)

6199-PL-104 (Ground Floor Plan)

6199-PL-105 (First Floor Plan)

6199-PL-106A (Second Floor Plan)

6199-PL-107 (Roof Plan)

6199-PL-108 (Basement Plan)

6199-PL-109A (Front & Rear Elevations)

6199-PL-110A (North & South Elevations)

6199-PL-111 (Streetscene)

6199-PL-112A (North & South Elevations Indicating Existing Building and previous applications)

6199-PL-113A (Site Sections From the North and South)

PL.0100 (Location and Block Plan)

PL.0101 (Existing Floor Plans)

PL.0103 (Existing Elevations)

Design and Access Statement (received 13.10.2017)  
Energy Statement (received 13.10.2017)  
Geo-Environmental Desk Study / Preliminary Risk Assessment (received 13.10.2017)  
Planning Statement (received 13.10.2017)  
Planning Viability Assessment (received 13.10.2017)  
Transport Statement (received 13.10.2017)  
Utilities Statement (received 13.10.2017)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is occupied.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the occupation of the development, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 7 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).

8 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

9 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.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

10 Part 1

Before development commences other than for investigative work:

a) 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.
- Qualitative Risk Assessment by Jomas Associates Ltd recommends further investigations.

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

b) 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

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

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

11 The development hereby approved shall not commence (other than demolition works) until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water 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).

- 12 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 13 Before the development hereby permitted is occupied the car parking spaces and the access to the parking area as shown on Drawing Nos. 6199-PL-104, 6199-PL-108 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the 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.

- 14 The building shall not be occupied until the details of the vehicular access has been submitted to the highway authority for approval and shall only be constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and 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.

- 15 Before the development hereby permitted is occupied details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

- 16 Before the building hereby permitted is first occupied the proposed first floor window(s) in the west elevation facing the rear gardens of Albert Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 17 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 18 The level of noise emitted from the extraction/ventilation 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 2015.

- 19 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).

- 20 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and

cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 21 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.

- 22 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 36.7% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 23 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 the proposed 3 flats (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.

- 24 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 impact on local underground sewerage utility infrastructure.

### **Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £88,585 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £341,685 payment under Barnet CIL.

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

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

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

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

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

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

4 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- 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.
- 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 2017. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide confirmation that an asbestos survey has been carried out.
- 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.

5 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/>

- 6 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 30dB(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.

#### Noise Levels - For information

Please supply the following information for all extraction units (including air conditioning, refrigeration):

1. The proposed hours of use of the equipment.
2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
5. Distance away from noise

- 7 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- 8 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.
- 9 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.
- 10 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Development and Regulatory Services, Barnet House, 1255 High Road, London N20 0EJ.
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 12 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 13 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.



## **Officer's Assessment**

### **1. Site Description**

The application site comprises of part two and part three storey commercial buildings located on the western side of Hillview Gardens, within the ward of Hendon.

The buildings on site follow a broad 'T' shape footprint. Along the front of the site, there is a two- storey, brick-built building which occupies the majority of the width of the site and its current lawful use is as an office. The central element has a hipped pitched roof with flat-roof wings on either side. There is a small landscaped area between the front of the building and the public highway. Within the rear corner of the site, there is another office building of part two and part three storeys in height which sits on the immediate side and rear boundaries. Centrally at the rear of the site, there is a large warehouse building which has several stepped pitched roof elements, but has a similar height of the adjacent three storey office building and runs along the rear boundary with the garden of Albert Road.

All of the buildings on site are currently unoccupied. There is an existing vehicular access to the southern part of the site which runs between the existing buildings and no. 92 Hillview Gardens.

The area is characterised by two storey buildings, predominately residential houses, with flats at Vincent Court, Whiteways and a college (Schaeffer House) to the north.

### **2. Site History**

Reference: 17/6496/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Refusal

Decision Date: 7 August 2017

Description: Demolition of existing buildings and redevelopment of the site to provide a part three-storey part two-storey residential building with basement parking area to provide 33 flats and associated private and communal amenity space. Provision of 40 car parking spaces.

Reference: 15/03198/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Approved following legal agreement

Decision Date: 1 March 2016

Description: Demolition of existing buildings and redevelopment of the site to provide a new three storey residential building with basement parking area to provide 27 flats and associated private amenity space

Reference: H/01429/14

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Approved

Decision Date: 1 May 2014

Description: Change of use of buildings A and B from B1 office to C3 residential

Reference: H/05989/13

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Refused

Decision Date: 11 February 2014

Description: Change of use from B1 office to C3 residential (23units)

### **3. Proposal**

This is a resubmission following the refusal of planning permission by Hendon Planning committee at the July 2017 meeting. The refused scheme, as detailed in the Officer Report to committee, was for the following development;

*"The proposal seeks the redevelopment of the site, following the demolition of the existing buildings, to provide a new three storey residential building with basement, comprising of 33 flats, off-street parking, and associated and communal amenity space."*

This application was refused for the following reason:

1. The proposed development by virtue of its size, scale, bulk and massing including its proximity to the rear boundary with Albert Road and overall intensification of the site would give rise to an overdevelopment of the site, harmful to the visual amenities of the site and surroundings and also to the residential amenity of adjoining occupiers in Albert Road and Hillview Gardens. As such, the proposed development would be contrary to policies DM01 and DM02 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Adopted Local Plan Core Strategy (2012).

As stated this is now an amended scheme for the demolition of the existing buildings and provision of a new three storey residential building with basement, comprising of 32 flats, off-street parking, and associated communal amenity space. The main alterations are;

- Reduction in the number of units from 33 to 32;
- Reduction of two/three storey element on the rear elevation of the central projection;
- The proposal would provide 10 x 1 bedroom, 17 x 2 bedroom and 5 x 3 bedroom units.

The application has been amended during the course of the application, which includes the following:

- Depth of roof terrace to S04 reduced by 1m;
- Depth of roof terrace to S05 reduced by 0.7; and
- Height of privacy screens to S04 and S05 reduced to 1.8m.

### **4. Public Consultation**

Consultation letters were sent to 236 neighbouring properties.

38 responses have been received, comprising 38 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site;
- Loss of employment;
- Development of 32 flats is not sustainable;
- Design and scale not in keeping with the character;
- Mix of proposed units is not appropriate;



- Overbearing and visually intrusive;
- Overlooking;
- Loss of privacy and sunlight;
- Noise pollution;
- Insufficient parking; and
- Lack of infrastructure

**Environmental Health** - No objections subject to conditions

**Local Flooding Authority** - No objections subject to conditions

**Traffic and Development** - No objections subject to conditions

**Thames Water** - No objections subject to conditions

## 5.1 Policy Context

### National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 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.

### 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, CS8, CS9, CS13, CS14, CS15.

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

### Supplementary Planning Documents

Affordable Housing SPD (Adopted 2007)  
Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of redevelopment and loss of employment floorspace;
- Affordable housing provision;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways issues;
- Any other material considerations.

## **5.3 Assessment of proposals**

### Principle of development and loss of employment floorspace

Barnet Policy DM14 states that 'the loss of a B Class use will only be permitted where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.'

From the site history, it is noted that prior approval has been granted to convert part of the site to residential use under reference H/01429/14 for the conversion of the premises to 23 residential units. In 2015, under planning permission reference 15/03198/FUL to redevelop the site, a 'Sustainability Study for Continued Commercial Use' was submitted in support of the loss of the employment use. This report stated that the property had been marketed since 2008 and due to the site's location within a residential area; it is considered less attractive for commercial occupants. In its assessment, the Planning Authority accepted that active marketing had been undertaken and that there were a number of factors which would restrict the potential for future employment on this site. As such, the loss of employment was considered acceptable.

Taking into account that the loss of employment has been previously accepted under 15/03198/FUL and 17/2261/FUL, the current proposal is not considered to conflict with Barnet policy DM14.

### Affordable housing provision

In accordance with Barnet policy DM10, new housing developments are required to provide 40% of affordable housing on site. Only in exceptional circumstances will a reduction in affordable housing be accepted. Where a reduction is sought, the Planning Authority will seek that a viability report is submitted to justify the reduction and that the report is independently assessed.

The applicant has provided a financial viability statement in support of the scheme which states that it is not viable for any affordable housing to be provided. This has been reviewed independently by DVS who commented that there were limited differences in the outcome of the two appraisals but confirmed that the site remains unviable. It is noted that the significant proportion of the build cost relates to the construction of the basement which has a significant impact on the site's viability. The independent review confirms that it is not viable for the proposals to provide affordable housing on the site.

The submitted viability report is still considered to be valid and therefore, the requirements of policy DM10 are considered to be met and no affordable housing is able to be provided within this application.

#### Impact on the character and appearance of the existing site, streetscene and surrounding area

At present, the site consists of a two storey building across the front of the site, with a three storey building and a large warehouse sited at the rear. The area surrounding the application site mostly comprises of two-storey residential properties.

Redevelopment of the site for 27 flats was previously granted and therefore the proposed scheme for 32 flats is in principle considered to be acceptable subject to the proposal being found acceptable in other policy aspects.

#### *Density*

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 2. The proposal would provide 32 units with a total of approximately 94 habitable rooms.

This is only a minor alteration to the application that was before committee (33 units/ 96 habitable rooms). The site measures 0.2ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 50-95 units per hectare. In this instance, the proposal would result in a density of approximately 448 hr/ha and 152 u/ha (480 & 165 previously), which would still be in excess of the London Plan standards. However, while the proposed figures are larger than the advised ranges, it is advised that this should not be applied mechanistically and should also take into account a number of considerations, such as local context, design, open space and transport capacity. The proposed density is still considered acceptable in policy terms.

The proposal development would once again provide a mix of dwelling types, comprising 10 x 1 bedroom, 17 x 2 bedroom & 5 x 3 bedroom units. Planning Officers do not raise any significant issues with the proposed mix of units.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

#### *Layout*

The layout of the proposed scheme is considered to broadly follow the layout of the existing buildings with a main front element across the site and a central rear projection. The proportion of built form to open space/landscaping is considered to be acceptable and provides a suitable visual buffer.

The proposed front building line would be staggered between that of 92-94 Hillview Gardens and Whiteways and is considered to provide an appropriate transition within the streetscene.

### *Scale and massing*

The proposal consists of a part two and part three storey building, with the third storey stepped back at the front and rear elevations. While the predominate character of the area is two storeys, the site sits at a lower level compared to the surrounding adjacent sites, and allows for provision of a three storey building which sits at a lower level than the adjacent properties on Hillview Gardens. The properties at the rear on Albert Road also are at a significantly higher level than the site and when viewing the proposed section drawings illustrate that the proposed buildings would not appear out of context in terms of scale and massing compared to the existing buildings on site.

The overall massing has been further reduced in this application with the depths of the first and second floors being further reduced away from the rear boundary with Albert Road

### *External appearance*

The proposal consists of a flat roof building with brickwork on the ground and first floors, with metal cladding on the second floor. As the predominant material on site will be brick, this is considered to suitably allow the proposal to integrate successfully within the streetscene.

Whilst the proposed undercroft and basement ramp are not characteristic features of the area, the principle of a basement entrance has been accepted by the consented scheme. It was acknowledged that the basement parking was necessary to facilitate the development. In order to help visual integrate this element further, a garage door has been inserted.

### Impact on neighbouring residential amenity

The privacy of existing developments should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Design solutions through layout of habitable rooms, window placement and building orientation should be used to address privacy and overlooking issues. Barnet policy DM01 advises that schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

With regards to the reason to refuse consent, the council have clarified that the concern of the planning committee related to the rear section of the central projection and its impact on neighbours facing this projection, on Albert Road. As recorded in the report to committee

*"....given that the scale of the proposal would be no greater in height and the central rear projection being set away from the side boundaries by at least 10m, it is not considered*

*that the proposal would have a harmful impact in terms of loss of light, outlook or overbearing on 92-94 Hillview Gardens, Whiteways or Schaeffer House.*

This position has not altered with this scheme and as with the previous application any impact on these local residents would not be highly material. The officer's analysis on impact on residents on Albert Road stated the following;

*"In terms of the impact on the properties on Albert Road to the rear, Planning Officers note the impact of the current buildings on site which are built along the shared boundary. These are to be demolished as part of the proposed development. In comparison to the existing impact of the current building, it is considered that the proposal is now less visually overbearing. The proposed second floor would be set back approximately 7-8m from the rear boundary. From the submitted section drawings, Planning Officers do not consider that the proposal would have an adverse overbearing impact or would result in a detrimental level of loss of light or outlook. Due to the site levels, the ground floor windows would lie below the rear boundaries of the Albert Road properties, the first floor windows would all be obscured glazing and the amenity areas on the second floor would be enclosed by privacy screens. For these reasons, Planning Officers do not consider that the proposal would create detrimental levels of overlooking".*

Members however expressed concern about the level of impact on residents bordering the site on Albert Road and permission was refused. This scheme has been reduced in order to address these concerns. The first and second floors at the rear have been set further from the common boundary with rear gardens on Albert Road. The distance between the rear elevation and the common boundary/rear facing windows on Albert Road is considered acceptable. As with the previous application rear facing windows on this elevation can be obscure glazed and private amenity areas enclosed by screening. It is the advice of officers' that the amended scheme addresses previous concerns held by the planning committee.

The proposed access to the basement parking is located at the existing access point. In comparison to the commercial use of the access and potential of the associated vehicle movements, the proposed residential use and associated movements are considered to be a lesser impact.

#### Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. Each of the proposed flats would meet the minimum space requirements.

Each of the units would be at least dual aspect, and Overall, officers are satisfied that the proposed units would have adequate levels of outlook, daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m<sup>2</sup> should be provide per habitable room for flats. The proposal meets these standards.

#### Highways issues

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 to 1.0 space per unit
For 2 and 3 bedroom units	1.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

10x1b	a range of 0.0 to 1.0	0.0 to 10.0 spaces required
17x2b	a range of 1.0 to 1.5	17.0 to 25.5 spaces required
5 x 3b	a range of 1.0 to 1.5	5.0 to 7.5 spaces required

This equates to a parking provision range of between 22 and 43 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 2 which is considered to be a moderate level of accessibility. 40 car parking and 56 cycle parking spaces are proposed for the proposed residential use within the basement parking area. The Council's Traffic and Development service has commented that the proposed parking provision is in accordance with policy DM17.

A 1:10 gradient for the ramped access needs to be provided. Ramp gradient steeper than 1:10 would need to be designed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks most up to date edition.

20% of Active and 20% of passive Electrical Vehicular Charging Points have to be provided in accordance with the London Plan requirements.

A transport Assessment submitted with the application is in response to the previous planning application 17/2261/FUL. However, current planning application is similar to the previous application therefore the TA is still relevant to the submitted planning application.

Revised vehicular and pedestrian access is proposed close to the existing vehicular and pedestrian accesses. The proposed highway work would need to be undertaken under S278 of the Highways Act.

The refuse and recycling bins are to be located in a designated store at basement level. It is proposed that the refuse will be collected from the kerb side. The bins therefore will need to be brought to the back of the public highway within 10m for the Council's Refuse Collection Team to undertake on the day of collection.

#### Any other material considerations

#### *Sustainability*

The Sustainability report submitted concludes that the dwellings will achieve a 36.7% reduction in emissions over what is required by building regulations.

The proposal would meet Part M4(2) of the Building Regulations for 90% of the development and Part M4(3) for 10% of the development, in accordance with the London Plan requirements.

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

- *Overdevelopment of the site* - While the proposed density of the scheme is high, on balance taking into account the existing buildings on site and compliance with all relevant policies, the proposal is not considered to be overdevelopment. A proposal of 27 units was previously considered to be acceptable.

- *Development of 32 flats is not sustainable* - proposal is located within a residential area. The majority of units are 2 bedroom and considered to be appropriate in the context of this location.

- *Design and scale not in keeping with the character* - Considered to be acceptable in this instance.

- *Mix of proposed units is not appropriate* - the proposal consists of 10 x 1 bed units, 17 x 2 bed units and 5 x 3 bed units. This is considered to be acceptable.

- *Overbearing and visually intrusive* - Proposal is considered to be less overbearing than the refused scheme and is suitably amended to address committee concerns. .

- *Overlooking* - In relation to Albert Road properties, the proposed ground floor windows will be located below the boundary fence, the first floor windows will be conditioned to be obscured and the second floor balconies will be enclosed by privacy screening. Furthermore the rear elevation at first and second floor level will now be sited further from the common boundary.

- *Loss of privacy and sunlight* - Through the demolition of the existing buildings, the amenity of the neighbouring residents is considered to be improved. The proposal is not considered to result in overlooking or loss of outlook and as such the privacy of neighbouring properties would be maintained.

- *Noise pollution* - While the proposal represents an increase in the number of people on the site, the proposed use is to be residential and would not conflict with the neighbouring adjacent properties. It is considered that a residential use is more appropriate in terms of noise than the existing commercial use.

- *Insufficient parking* - Further car parking provision has been added to give a total of 40 spaces. The Council's Traffic and Development service has reviewed the proposed highways issues and raises no objections.

- *Lack of infrastructure* - Proposal will be required to pay a Community Infrastructure Levy (CIL).

#### **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**

In light of the above appraisal, it is considered that the amended and reduced scheme has addressed the concerns expressed by the planning committee at the July meeting. It is therefore recommended that this application is approved subject to conditions.



