

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

**Reference:**                      **18/5909/S73**                      Received: 3rd October 2018  
Accepted: 4th October 2018

Ward:                              Hendon                              Expiry 3rd January 2019

Applicant:                      Crocus Field Ltd

Proposal:                      Variation of condition 2 (plan numbers) pursuant to appeal decision APP/N5090/W/17/3181840 dated 15/01/18 (planning reference 17/2261/FUL) for, '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.' Variation to include; Reconfiguration of apartment layout with associated alterations windows and balconies; Changes to main entrance; Alterations to the basement layout including increase in parking spaces from 40 to 43 and changes to access ramp, car holding area and pavement crossover; Provision of UKPN building network operators house facing Hillview Gardens; Installation of gates to replace car park shutter; Relocation of refuse/recycling storage; Staircase overrun added; Increase in height of the building

**Recommendation:** Approve subject to conditions

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

- 1        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.

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

0614\_X\_GA(XX)01\_XX PL1 (Proposed - Block Plan)

0614\_X\_GA(BA)01\_XX PL1 (Proposed Basement Floor Plan)

0614\_X\_GA(00)01\_XX PL4 (Proposed Ground Floor Plan)

0614\_X\_GA(01)01\_XX PL4 (Proposed First Floor Plan)  
0614\_X\_GA(02)01-XX PL4 (Proposed Second Floor Plan)  
0614\_X\_GA(RF)01\_XX PL2 (Proposed Roof Plan)

0614\_X\_GE(EA)01\_XX C (Proposed East (Front) Elevation)  
0614\_X\_GE(EA)01\_XX D (Proposed East (Front) Elevation (Colour))  
0614\_X\_GE(EA)01\_XX PL3 (Proposed Street Elevation (East))  
0614\_X\_GE(EA-WE)01\_XX PL4 (Proposed East & West Elevation)  
0614\_X\_GE(NO-SO)01\_XX PL3 (Proposed North & South Elevation)

0614\_X\_GS(BB-CC)01\_XX PL1 (Proposed Section B-B and C-C)  
0614\_X\_GS(DD)01\_XX PL2 (Proposed Section DD)

Accommodation Schedule Rev H (dated 06.11.18)  
Planning Change Schedule from application 17/2261/FUL  
Planning Statement, Henry Planning (received 03.10.2018)  
Arboricultural and Planning Integration Report, GHA trees arboricultural consultancy (dated 27.10.18)  
Tree Protection Plan Rev A (dated Oct 2018)

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).

- 3 A scheme of hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is occupied. 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. 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 October 2016) and 7.21 of the London Plan 2016.

- 4 The building shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. 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).

- 5 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. 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 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 6 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 7 No development shall take place until a risk-based land contamination assessment to determine the nature and extent of any contamination on the site has been carried out, in accordance with a methodology that has first been submitted to and approved

in writing by the local planning authority. Should any unacceptable risks be found, a remedial scheme and verification plan shall be submitted to and approved in writing by the local planning authority. The remedial scheme shall be implemented as approved before development begins.

If, during the course of development, any contamination is found which has not previously been identified, additional measures to address it shall be submitted to and approved in writing by the local planning authority and the additional measures shall be carried out as approved.

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.

- 8 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 nonresidential 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).

- 9 Before the development hereby permitted is occupied the car parking and cycle parking facilities shown on the approved plans shall be provided and shall not be used for any purpose other than parking of vehicles/cycles 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.

- 10 Before the building hereby permitted is first occupied 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.

- 11 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.

- 12 the proposed first floor windows 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 2016).

- 13 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.

- 14 The flats hereby permitted 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.

- 15 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 (2016) and the 2016 Mayors Housing SPG.

- 16 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.

- 17 a) Prior to occupation, 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).

- 18 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan

Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 19 a) No development (other than demolition works) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 20 a) No site works or development (other than site clearance and demolition) shall commence on site until a detailed pruning specification has been submitted to and approved in writing by the Local Planning Authority.
- b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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.

- 21 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 18 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To safeguard the health of existing trees which represent an important amenity feature during the lifetime of the development 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.

**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. 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.

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 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
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- 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.
- 14 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

## **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 college (Schaeller House) to the north.

### **2. Site History**

Reference: 17/6496/FUL

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

Decision: Approved subject to conditions

Decision Date: 13.12.2017

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 32 flats and associated private and communal amenity space. Provision of 40 car parking spaces.

Reference: 17/2261/FUL

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

Decision: refused

Decision Date: 07.08.2017

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

**Appeal Reference: APP/N5090/W/17/3181840**

**Appeal Decision: Allowed**

**Appeal Decision Date: 21.03.2018**

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**

The application seeks permission to vary condition 2 (Plan Numbers) pursuant to appeal decision APP/N5090/W/17/3181840 dated 15/01/18 (planning reference 17/2261/FUL for '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.'

The proposed amendments from 17/2261/FUL are:

- Amendments to the overall building footprint and mass;
- Amended mix of 33 units - 11 x 1bd, 18 x 2bd and 4 x 3bd;
- Increase in parking spaces from 40 to 43;
- Reconfiguration of basement layout;
- Alterations to design and detail of the proposed access ramp;
- The holding area for the cars before going into the basement had been redesigned to ensure the tree on the footpath is not disturbed. The existing commercial cross over to be retained and used;
- Main entrance location changed to align with the revised internal apartment configuration shown on plan;
- Discussions with UKPN (UK Power Networks) have resulted in siting an indicative UKPN building network operators house facing Hillview Gardens.;
- Carpark gates shown to replace the previously proposed roller shutter. This is a health and safety requirement due to the space requiring a sufficient air exchange to the basement carpark space;
- As a result of the carpark reconfiguration the pavement crossover position has been amended;
- Relocation of refuse and recycling storage;
- Second stair core from first and second floors has been removed and a fire engineering solution obtained;
- Balconies reconfigured to align with apartment layout amendments;
- Proposed building is slightly higher as a result of further detailed development and investigation into the floor to ceiling heights required along with the services and structural zones requested by the consultant engineers - actual height of the roof floor is shown on the elevations and is similar in height to the 27 flat extant consent (ref: 15/03198/FUL, granted planning permission 29/2/2016), as well as the height of the existing buildings;
- The staircase overrun has been added to allow safe maintenance access to the roof;
- The position of the windows and balconies have been amended to reflect updated floor plans and apartment layouts;

During the course of the application, the following amendments were made to the proposal:

- Alterations to the layout of Flat G01 to illustrate as 1B1P;
- Reduction in rear footprint of units G07, F07 and S06 to improve outlook and light levels for units G06, F06 and S05;
- Reduction in front footprint of units G10, F12 and S10 to reduce built footprint from front boundary and provide more setting for the proposed development;
- Removal of balcony in unit F03 nearest the rear boundary;
- Submission of tree report and tree protection plan;
- Correction of north and south elevations and section DD to amend errors;
- Alterations to privacy screens at second floor level.

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

Consultation letters were sent to 476 neighbouring properties.  
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Noise and dust generated by the demolition of the buildings;
- The new proposal comprises the quality of living far more than the approved proposal.
- Overlooking;
- Uncomfortable proximity to the western boundary
- Enlarged windows and arrangement of living rooms to the rear increase opportunity for overlooking and additional noise.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

##### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, 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;
- 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**

The original application reference 17/2261/FUL was refused on 19.08.2017 following a decision by the Hendon Area Planning Committee on the reason that the proposed '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 the residential amenity of adjoining occupiers in Albert Road and Hillview Gardens.'



The decision was subsequently appealed by the applicant, which was overturned by The Planning Inspectorate and granted planning permission. An application for costs was also granted against the Council.

#### Principle of development and loss of employment floorspace

The principle of the loss of employment space has been previously established through the previous planning applications. Prior Approval was originally granted in 2014 for the conversion to 23 residential units. The following application in 2015 demonstrated 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. The Planning Authority was satisfied 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.

#### 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 previous planning applications had established through an independent review that the scheme was unviable and was unable to provide any contribution towards affordable housing. The proposed development is not considered to be materially different from the scheme granted permission on appeal and therefore, the conclusions of the previous permission are considered to remain valid.

#### 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.

#### *Layout*

The layout of the proposed revised scheme is still broadly similar to the previous appeal scheme. The scheme now proposes a more uniform and simplified layout with the previous stepped projections across all elevations now reduced.

In comparison to the scheme approved at appeal, the proposal is approximately 1.8m wider, with the building being evenly extended by 0.9m on either side of the proposed frontage building.

The proposed proportion of built form to open space/landscaping is still 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 still 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. Whilst 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.

Within the appeal decision notice, the Inspector commented, *"unlike the existing 3-storey office/warehouse building, the rear wing of the development would be off-set from the rear boundary of the site...Whilst I accept that the rear return would be marginally closer to the rear boundary than the approved scheme, the submitted drawings as well as those submitted at the appeal stage, demonstrate that there would be a noticeable reduction in the bulk and mass of built development of the site."*

The Inspector continues; *"It is unlikely the position of the building relative to its rear boundary or its mass would be perceptible in public views of the site. Although there would be some increase in bulk and mass of the existing frontage building when viewed from Hillview Gardens, this would not be significant and certainly not materially different to the approved scheme. The building line along the western flank of Hillview Gardens would be largely respected and there I am satisfied that the size of the building and its proximity to the rear boundary would not have a harmful effect on the character and appearance of the area."*

In terms of overdevelopment, the Inspector considered that *"there would be sufficient space to the front of the building to provide landscaping across the Hillview Gardens frontage. Outdoor amenity space would be provided to the front and rear of the building...There is no suggestion that any local standards would be breached in these areas."* The Inspector considered that the increased density would not be inappropriate. In conclusion, the Inspector stated on the matter of character and appearance, that *"I therefore find no compelling evidence to suggest the development would amount to overdevelopment."*

The proposed frontage building is marginally larger in terms of width and height. The proposal is approximately 1.8m wider and 0.7m taller than the scheme approved at appeal stage. However, in the context of the previous approval, the increase is not considered to be materially significant in terms of its impact on the character and appearance of the site or streetscene. Within the submitted streetscene drawing, the proposed would be still comparable to the adjacent properties with sufficient setting between adjacent buildings also.

At the rear, the proposed ground and first floors remain unaltered in terms of the distances to Albert Road properties. At second floor level, the rear elevation and privacy screens are now proposed closer than previously approved, however, taking into account the existing building and it will still represent a noticeable improvement in terms of bulk and massing. There would be approximately a 5m separation between the rear privacy screens and the rear boundary with Albert Road.

Overall, the proposed amendments to the scale, massing and bulk are not considered to be significantly harmful on the character and appearance of the area.

### *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.

On this issue, the Inspector commented; *"Whilst it would have a contemporary appearance, it would be more reflective of its surroundings than the approved scheme (2015)."*

#### 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.

The Inspector commented, *"I have already noted those unsightly buildings to the rear of the site that are to be demolished are highly visible from the rears of houses in Albert Road and extend across the majority of the site's width. I concur with the Council that their loss would most likely be welcomed by neighbouring occupiers. The proposed building would be located further from the rear boundary and given the recessive nature of the top storey it would be lower in height particularly when viewed from close to the shared boundary. The width of the building would also be significantly less than the existing structures thus providing some properties with a more open outlook than is currently the case. On that basis alone and notwithstanding the approved scheme, I have some difficulty understanding how the Council came to view that the development would cause unacceptable harm to the amenities of neighbouring occupier."*

The scheme at ground and first floor levels remains unchanged in terms of layout, bulk and mass and therefore, there is no new impact on the amenity of Albert Road residents. Whilst elements of the second floor rear elevation are now projecting closer by approximately 1.5m to 2m to the shared boundary, the improved relationship between existing and proposed is still maintained. There is approximately 5m separation between both second floor terraces and the rear boundary with Albert Road. The proposed second floor rear balconies would be enclosed by 1.8m privacy screens to prevent any overlooking opportunities.

In relation to the adjacent properties, given that the scale of the proposal would be only marginally taller 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 Schaeller House.

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. The Inspector commented that *"there would be a tangible benefit in the removal of an unrestricted commercial use which if reinstated could generate significant levels of noise and disturbance to local residents."*

Overall, the proposed amendments are not considered to result in any new levels of significant harm to the residential amenity of neighbouring occupiers.

### 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.

Having reviewed the submitted plan, each of the proposed flats would comply or exceed the minimum space requirements. While the majority of the units would only benefit from single-aspect outlooks, Officers are satisfied that each of the units would receive 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 provided per habitable room for flats. Each flat would benefit from either individual private terraces or balconies, providing a total of 490.8sqm of private outdoor amenity space. In addition to this, there are large communal garden areas measuring approximately 465sqm. Overall, this cumulative provision provides for significant outdoor amenity space for all future occupiers.

### 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

The previous schemes had a provision of 40 parking spaces contained within the basement level. This application seeks amendments to the basement level which results in an increase of 3 spaces, providing a total provision of 43 parking spaces. The Council's Traffic and Development service has commented that the revised parking provision is in accordance with policy DM17.

62 cycle parking spaces are proposed and sited within the basement. The London Plan requires 1 space per studio/1 bedroom unit and 2 spaces for all other units. Based on the units proposed, a total of 62 spaces would be required. The proposal would meet this requirement.

The gradient for the ramped access to the car park is proposed as 1:8 with transition to 1:16 at the bottom of the footway within the car park area and 1:20 at the front of the footway with a passing place. The Highways Officer has confirmed that this meets highway requirements.

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

The refuse and recycling bins for the scheme is proposed along the southern boundary and adjacent to the vehicular access point. These stores would be located within 10m of the public highway. The location of the stores is similar to the store approved as part of reference: 15/03198/FUL

#### Any other material considerations

##### *Trees*

There are no trees within the site, however, there are three street trees located on the public footpath along Hillview Gardens. The applicant has submitted a tree report and tree protection plan which illustrate that the proposed building and basement is situated outside of the RPA's of all the street trees.

The Council's Arboricultural Officer has commented that the proposal would not have a detrimental impact on the existing street trees. Conditions will be imposed to ensure their protection throughout the duration of the development.

##### *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**

**Noise and dust generated by the demolition of the buildings** - The applicant will be required to submit a Demolition and Construction Management and Logistics Plans to be approved by the Council which sets out measures to reduce/ mitigate any adverse construction impacts. However, impacts from adverse noise or dust are controlled under separate legislation and by the Council's Environmental Health service.

**The new proposal comprises the quality of living far more than the approved proposal** - It is not considered that this scheme significantly harms the neighbouring residential amenity or introduces new impacts.

**Overlooking** - There are only two windows at ground and first floor level which face towards the neighbouring boundary. Due to the lower ground level of the site, the single ground floor window would be below the garden fence and the first floor window will require to have obscured glazing. The closest balcony at first floor level is now located approximately 11m from the rear boundary. The second floor rear balconies would be enclosed by 1.8m high privacy screen to prevent overlooking opportunities.

**Uncomfortable proximity to the western boundary** - The layout of the scheme is broadly similar to the proposal which was granted permission at appeal by The Planning Inspectorate. There is an increase at second floor level but this is not considered to be significant.

**Enlarged windows and arrangement of living rooms to the rear increase opportunity for overlooking and additional noise** - All the units at the rear of the site have their

bedrooms nearest to the shared boundary. The only exception to this is unit S04 on the second floor which has its living room accessing onto a rear terrace which would be enclosed. All other windows would face away from the rear boundary and are not considered to have harmful levels of overlooking.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

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



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